

297. The Commissioners may direct any prosecution for any public nuisance, and may order proceedings to be taken for the recovery of any penalties under this Chapter, and for the punishment of any persons offending against the same, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund.

298. No prosecution for an offence under this Chapter or any bye-law made in pursuance thereof, shall be instituted without the order or consent of the Commissioners, and no such prosecution shall be instituted except within three months next after the commission of such offence, unless the offence is continuous in its nature, in which case a prosecution may be instituted within three months of the date on which the commission or existence of the offence was first brought to the notice of the Chairman of the Commissioners.

Provided that the failure to take out any license under this Chapter shall be deemed to be a continuing offence until the expiration of the period for which such license is required to be taken out.

299 If the Commissioners of any Municipality fail to maintain, within the limits thereof, any road which without such limits is maintained by a District Committee under the Road Cess Act, 1871, or to pay for the municipal police, or if the Commissioner of the division shall have reason to believe that the Commissioners are failing to fulfil any obligation imposed upon them by this Chapter,

the Commissioner of the division in which such Municipality is situated may, with the sanction of the Lieutenant-Governor, convene a committee consisting of

- (a) the Magistrate of the district, or the Magistrate of the division of the district,
- (b) the Executive Engineer of the division,
- (c) the Civil Surgeon of the district,
- (d) and two members, one of whom shall be nominated by the Commissioner of the division, and the other by the Commissioners at a meeting;

and such Committee shall inquire into and report on the state of the Municipality.

The Lieutenant-Governor may, on the report of such Committee, call upon the Commissioners by a requisition in writing forwarded to the Chairman, and published in the *Calcutta Gazette*, to raise the necessary funds and carry out the purposes of this Chapter;

And if the Commissioners neglect, for the period of three months from the date of such publication, to comply with such requisition, the Lieutenant-Governor may direct the Magistrate of the district to raise the necessary funds under the provisions of this Chapter, and carry out the purposes thereof in respect of roads, police, and the cleansing of the municipality; and for such purposes the Magistrate of the district shall have all the powers and rights conferred on the Commissioners and the Commissioners at a meeting, by this Act, and shall exercise such powers and rights until the said Lieutenant-Governor shall otherwise direct.

CHAPTER III.

Of Towns.

300. In every place which, in accordance with the provisions of section 3 becomes a Town under this Chapter, every person who has been appointed to be a member of a panchait for such place under Act XX of 1856, shall be deemed to be a Member of the panchait duly appointed for such Town; and in every such Town any tax which may have been imposed and assessed under the provisions of the said Act shall be deemed to have been imposed and assessed under this Chapter, and may be levied as in this Chapter provided.

301 The provisions of this Chapter may be extended by the Lieutenant-Governor, by notification published in the *Calcutta Gazette*, to any city, town, suburb or bazar not being within the limits of the ordinary original jurisdiction of the High Court at Fort William in Bengal, from such date as may be specified therein; and shall thereupon come into force in such city, town, station, suburb or bazar on the date so specified.

302. The Lieutenant-Governor may, by like notification, at any time vary the limits of any town, or withdraw any town from the operation of this Chapter.

303. The Lieutenant-Governor may, by notification to be published in the said *Gazette*, unite into a town for the purposes of this Chapter any city, town, suburb, station, or bazar, or any part or parts of a city, town, suburb, station, or bazar with any other city, town, suburb, station or bazar, or part or parts of a city, town, suburb, station or bazar.

304 For the purposes of this Chapter, the Lieutenant-Governor may define and declare the limits of any town, and all occupiers of houses within any such town shall be liable to be assessed according to the provisions of this Chapter for the purposes mentioned in the next succeeding section.

305. The Magistrate of every town shall, by ways and means in and by this Chapter provided, cause to be levied and raised in such town the amount of the expense of the police to be borne under the provisions of this chapter by such town, and the cost of raising such amount; and it shall be lawful for the Magistrate by the same ways and means to cause to be levied such further sum as to him shall seem meet, and apply the same in cleansing such town, or in lighting or otherwise improving the same:

Provided that the aggregate amount to be raised under the provisions of this section shall not exceed the average rate of one rupee and eight annas per annum for each house, and the amount assessed in respect of any one house shall not be more than the pay of a police officer of the lowest grade who is appointed to such town.

306. All sums raised, levied, or received by the Magistrate, and all fines paid or levied under this Chapter, and all other sums which the Lieutenant-Governor may direct, shall constitute a fund which shall be called the Town Fund of the town on account of which they are raised, levied, or received; and all expenditure authorized by this Chapter shall be made from such fund.

307. The Magistrate shall, before the close of each year, cause to be prepared in detail estimates showing the probable receipts and expenditure of the town during the ensuing year, and shall lay such estimates before the Commissioner of the division, who may accept, amend, or reject the same.

308. The tax to be levied in any town for the purposes of this Chapter shall be an assessment according to the circumstances and the property to be protected of the persons liable to the same.

309. For the purposes hereinafter mentioned, the Magistrate shall constitute and appoint a panchait for each town, or when he may see fit to divide any town into convenient wards, for each ward thereof; and shall issue a certificate of appointment, specifying the names, residence, business, or other description of the persons appointed, and the period for which the appointment is made.

Every panchait shall consist of three or five respectable persons residing or carrying on business in or near to any such town, or in or near to any such division thereof:

Provided that instead of any one such person, the Magistrate may appoint any person whom he may think fit to be a member of the panchait notwithstanding such person may not reside or carry on business in or near to such town, or in or near to any such division thereof.

310. The panchait so appointed, or the majority of them, shall, once in every year, if required so to do by the Magistrate, prepare and make, in accordance with the rules laid down in the requisition, an assessment upon the several persons liable to be assessed in respect of their occupation of property within the town, or any ward thereof as aforesaid for which the panchait shall be appointed, and shall enter the same in a list which shall specify the names of the several occupiers of property within such town or ward thereof liable to be assessed under the provisions of this Chapter, the trade, business, or other description of such occupier, the property occupied, and the amount payable monthly by such occupier.

311. The requisition of the Magistrate to the panchait to make out such list shall be in the form marked (A), set forth in the fourth schedule or to the like effect.

312. The panchait shall, if required by the Magistrate so to do, instead of making a new assessment, revise and amend the assessment then in force.

313. When an assessment shall have been made or revised, as the case may be, the panchait shall forward to the Magistrate the list containing the same, and the Magistrate shall revise and, if necessary, amend and settle it.

314. The Magistrate may, at his discretion, exempt from the assessment any occupier who may be unable from poverty to pay the same.

315. When the assessment shall have been settled, the Magistrate shall sign the list, and shall cause one copy thereof, together with a notification prepared according to the form (B) in the fourth schedule, or to the like effect, and written in the language which is ordinarily spoken in such town, to be deposited and published in the manner provided in section 348.

316. Unless revised or corrected as hereinafter provided, every assessment made under this Chapter shall stand good for one whole year, and until a new one is made.

In case the occupier of any property included in any assessment shall be changed before a new assessment is made, the new occupier, instead of the former occupier thereof, shall be liable in respect of such property for any portion of the assessment which shall have become payable during his occupation; and, after notification to such person, the Magistrate may cause his name to be substituted in the said list for the name of the former occupier.

Every assessment which shall be revised according to the provisions of section 312 shall be deemed a new assessment;

Provided that if no new assessment is made within the first three months of any year, the list of the previous year shall be republished as required by section 315, and shall thereupon be deemed to be the assessment for the current year, and shall be open to appeal under the next succeeding section.

317. Any person assessed who shall be dissatisfied with his assessment or who shall dispute his occupation of any property, or his liability to be assessed, may appeal on unstamped paper to the Magistrate; and the Magistrate, after making such inquiries as he deems necessary, by examination of the appellant on oath or solemn affirmation, or otherwise, may confirm the assessment or amend the same.

In case the Magistrate confirm the assessment, he may award costs against the appellant.

The decision of the Magistrate in such cases shall be final, and no objection shall be taken to any assessment, nor shall the liability of any person to be assessed be questioned in any other manner or by any other court:

Provided that no appeal shall be received after the expiration of one month from the time of the publication of the notification prescribed by section 315, or of the notification of the substitution of the name of an occupier under section 316, unless the Magistrate, upon reasonable cause shown, shall extend the time for receiving such appeal.

318. The Commissioner of the division, with the consent of the Lieutenant-Governor, may at any time direct the Magistrate to revise the assessment of any town, or ward thereof as aforesaid, specifying the reasons which, in his opinion, render such revision necessary, and the Magistrate shall, according to such direction, revise and, if necessary, amend the same.

319. The Magistrate may require the panchait to revise the assessment at any period during the year, but on every such occasion he shall address a written order to the panchait specifying the reasons which render such revision necessary, and requiring an amended return within a stated period.

320. Whenever any assessment is revised during the year as provided in the two last preceding sections, a revised list, together with a notification as prescribed in section 315 shall be prepared and published in the manner therein directed. And all objections to such revised assessment shall be made and dealt with in the manner prescribed in section 317.

321. If any person appointed a member of a panchait refuse to undertake the office, or omit to perform the duties thereof, and do not, within fifteen days from the date of his appointment, show satisfactory grounds for his refusal or omission, or provide such a substitute as the Magistrate approves, the Magistrate may fine such person in a sum not exceeding fifty rupees.

322. If the persons appointed a panchait, or a majority of them, refuse or omit, for a period of fifteen days after the receipt of an order from the Magistrate, to perform the duties required of them, the Magistrate may himself make or revise the assessment, and may enforce the same as if it had been made or revised in the first instance by the panchait.

Provided that the functions of the panchait shall not thereby absolutely cease and determine, but may be resumed at any time, only not so as to invalidate any act done by the Magistrate under this section.

323. No person shall be bound to act on a panchait unless he shall reside or carry on business within the limits of the town or ward thereof for which the panchait is to be appointed.

324. Every panchait shall be appointed for the period of one year, and no person shall be compelled to serve on a panchait for more than one year at a time, or within less than three years after the expiry of previous service: but nothing in this section shall prevent any person from being appointed to serve on a panchait at any time whatsoever with his own consent.

325. If a majority of the persons assessed in any town or ward for which a panchait shall be appointed, not being in arrears, make application in writing to the Magistrate for the removal of any member of the panchait appointed for such district, the Magistrate, if he think it expedient, may remove such member from the panchait.

326. If any vacancy shall occur among the members of a panchait, or if any member appointed shall refuse or decline or be unable to act, the Magistrate may, by a written communication to the person appointed, nominate and appoint another person to supply the vacancy or to be a member of the panchait.

327. In cities and large towns containing three or more divisions or districts, the Magistrate may appoint a sudder panchait consisting of not less than five members, who may be selected either from the members of the local panchaits or from any other residents of the town.

It shall be the duty of the sudder panchait to assist the Magistrate, when required so to do, in carrying out generally the objects of this Chapter, and particularly in revising the assessment made by the panchaits of wards of the town, and enquiring into, and reporting on, appeals preferred against the same.

328. Subject to the approval of the Commissioner of the division, the Magistrate may appoint one or more Tax Collectors and such other servants as may be necessary for preparing, or assisting the panchait in preparing, the assessment for copying the same, for collecting the tax, keeping the accounts and records, and otherwise carrying out the purposes of this Chapter. The Magistrate shall take from every Tax Collector such security for the due disposal of the sums collected by him as may be thought necessary.

329. On such dates as may be fixed by the panchaits for payment of instalments of the tax, the Tax Collector shall proceed in person, or through some one of his office establishment, to collect the amount due for the current month from each person subject to the tax, and for all sums so collected, the Tax Collector shall grant a receipt.

Provided that, with the sanction of the Commissioner of the division previously obtained, the collection may be made quarterly instead of monthly, and in such case the amount due for each quarter shall be collected in the last month of that quarter.

330. For the recovery of all sums which may not be paid to the Tax Collector on demand, the Magistrate shall proceed as far as possible in accordance with sections 109 to 117 (both inclusive).

331. The provisions of Part V of Chapter II shall, as far as possible, be applicable to towns. In so applying them, the sections of the said Part shall be read as if the word "town" were substituted for the word "municipality," and for the word "municipal," wherever such words occur;

and all functions assigned to the Commissioners of Municipalities by the said Part shall be performed by the panchaits of towns; provided that the District Superintendent of Police shall present his estimate as mentioned in section 162 to the Magistrate, and not to the panchait;

provided also that the Magistrate shall cause such estimate to be translated, made available for inspection by any tax-payers, and laid before the panchaits in the manner provided in section 164, and that the District Superintendent of Police shall cause the bill mentioned in section 164 to be laid before the Magistrate and not before the panchait, and the Magistrate shall cause the amount to be paid as provided in the same section.

332. The Magistrate may cause a name to be given to any street and affixed in such place or places as he may think fit, and may also cause a number to be affixed of every house for the purpose of identifying such house; and if any person shall wilfully remove, obliterate, or destroy such name or number, he shall be liable to a fine not exceeding twenty rupees.

333. The provisions of Chapters I and V shall apply to every town in which this Chapter is in force.

CHAPTER IV OF STATIONS.

334. In every place which, in accordance with the provisions of section 3, becomes a station under this Chapter, every person who has been appointed to be a Commissioner for such place under Act XXVI of 1850, shall be deemed to be a Commissioner duly appointed for such station, and in every such station any tax which may have been imposed and assessed under the provisions of the said Act, shall be deemed to have been imposed and assessed under this Chapter, and may be levied as in this Chapter provided.

335. If it shall appear to the Lieutenant-Governor, from a requisition in writing signed by not less than two-thirds of the inhabitants of any town or suburb, not being within the limits of the ordinary original jurisdiction of the High Court at Fort William in Bengal, that the inhabitants of such town or suburb are desirous of making better provision for making, repairing, cleaning, lighting, or watching any public streets, roads, drains, or tanks, or for the prevention of nuisances, or for

improving the said town or suburb in any other manner, the Lieutenant-Governor may extend the provisions of this Chapter to such town or suburb.

336. Whenever any application shall be made to the Government for putting this Chapter in force in any town or suburb, notice thereof shall be given in the *Calcutta Gazette* setting forth the purposes of the application, and giving reasonable time for all inhabitants of such town or suburb, who are minded to declare themselves for or against the adoption of this Chapter therein, for such purposes or any of them.

Such notice shall also be published as provided in section 348.

337. The Lieutenant-Governor shall take all such declarations into due consideration, and after the time allowed for receiving the same, shall make a final order, which shall be published in the *Calcutta Gazette*, and also as provided in section 348, to the effect that the application appears, or does not appear, to be according to the wishes of the inhabitants, either wholly, or in respect to one or more of the purposes in respect of which it is made, and if the whole or any part of it shall appear to be according to the wishes of the inhabitants, then that this Chapter shall be thenceforth in force in such town or suburb, for such purposes only as shall be mentioned in the order.

338. Whenever any such order shall be made and published as aforesaid, this Chapter shall come into force within the said town or suburb, for such purposes as are mentioned in the order, and the making and publication of the said order shall be conclusive evidence that the provisions of this Chapter have been complied with, and that this Chapter is thenceforth in force within the said town or suburb, for such purposes as are mentioned in the order.

339. Whenever this Chapter shall come into force in any place, the Lieutenant-Governor shall appoint the Magistrate and such number of the inhabitants thereof as to him shall appear necessary, to be Commissioners for putting the Chapter in force in the Station, and shall give authority to them to prepare rules for more effectually accomplishing the purposes for which they are appointed; which rules, when approved by the Lieutenant-Governor, shall be of the same force within the Station, until altered or rescinded as hereinafter provided, as if they were inserted in this Chapter.

And the Lieutenant-Governor may remove any of the Commissioners and appoint others, and may fill up vacancies occurring among the Commissioners in such manner as may seem to him fit.

340. The rules to be prepared by the said Commissioners shall provide, among other things, for those following, that is to say:—

(1) the appointment and management of all necessary officers and servants of the Commissioners, and the salaries to be allowed to them;

(2) the definition of the persons or property within the Station to be taxed for raising the monies necessary for the purposes of this Chapter, (whether by house assessment or town duties, or otherwise), the amount or rate of the taxes to be imposed, the manner of raising and collecting them, and ensuring the safety and due application of them when collected;

(3) the manner in which from time to time the rules in force are to be amended or rescinded, and new rules are to be made, with the approval in every case of the Lieutenant-Governor;

(4) the definition and prohibition of nuisances within the station;

(5) the imposition of reasonable penalties for breach of any rules made by the Commissioners, not exceeding fifty rupees, or in the case of continuing nuisance, not exceeding five rupees, for every day that such nuisance is continued

341. All sums realized under the provisions of this Chapter shall be paid into a separate fund to be styled "The Station Fund of —," and such fund shall be at the disposal of the Commissioners, and all expenditure authorized by this Chapter shall be made from such fund.

342. The Commissioners appointed from time to time shall have full power to make all necessary contracts, for the purposes of this Chapter, and apply the taxes raised as aforesaid in the necessary works, and in payment of their officers and servants, and in the other expenses incident to the execution of this Chapter within the Station.

343. No Commissioner shall be personally liable for any contract made by the Commissioners on behalf of the inhabitants of the Station, but every Commissioner shall be liable for any misapplication of the monies collected, to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and shall be liable to be sued for the same as for money due to, and at the suit of, the Secretary of State in Council.

344. All sums due on account of any tax under this Chapter may be recovered in the manner provided by sections 109 to 117 (both inclusive), and the provision of those sections shall, so far as may be practicable, apply to the recovery of all such sums by the Commissioners under this Chapter.

345. All Commissioners acting in execution of this Chapter, shall, on or before the last day of every year, make up and send to the Lieutenant-Governor an account of all works executed by them, and of all sums received and spent by them in the foregoing year, in such form and with such vouchers as the Lieutenant-Governor shall from time to time order.

346. The Lieutenant-Governor may, at any time, suspend the operation of this Chapter in any station, and appoint any person or persons to examine and report upon the

behaviour of the Commissioners, or any of them or their officers, in the execution of the duties imposed on them by this Chapter.

347. The provisions of Chapters I and V shall apply to every station in which this chapter is in force.

CHAPTER V.

OF GENERAL MATTERS RELATING TO MUNICIPALITIES, TOWNS, AND STATIONS.

348. Every bye-law, order, list, notice or other Publication of bye-laws, document directed to be orders, &c. published, under Chapter II or Chapter IV, as the case may be, shall be written in or translated into the vernacular of the district, and deposited in the office of the Commissioners, and (under Chapter III) in the office of the Magistrate, and a copy shall be posted up in a conspicuous position at such office and at every police station or outpost in the Municipality, Ward, Town or Station to which it relates, and in any other public places which the Commissioners or the Magistrate, as the case may be, may think proper.

And a public proclamation shall be read throughout such Municipality, Ward, Town or Station by beat of drum, notifying that such copy has been so posted up, and that the original is open to inspection in the office of the Commissioners or of the Magistrate, as the case may be.

Provided that it shall not be necessary to post up the whole of any assessment, rating, or similar list at every police station or outpost, but only so much of such list as relates to the jurisdiction of such police station or outpost.

349. Fines under this Act may be imposed by a Magistrate or any person who is convicted of the offence to which the fine attaches, and may be levied under the provisions of section 307 of the Code of Criminal Procedure, 1872.

350. Every notice, bill, form, summons, or How notice, &c., may be served. Act may be served personally on or presented to the person to whom the same is addressed,

or be left at his usual place of abode, with some adult male member or servant of his family; or, if it cannot be so served or presented, may be put on some conspicuous part of his place of abode.

or of the land, building, or other thing in respect of which the notice, bill, form, summons, or notice of demand is intended to be served.

351. Where any notice is required to be given Service of notice on to the owner or to the occupier or occupier of land. par of any land, such notice, addressed to the owner or occupier, as the case may require, may be served on the occupier of such land, or otherwise in the manner in the last preceding section mentioned.

Provided that when the owner and his place of abode are known to the Commissioners or other authorities issuing the notice, they shall, if such place of abode be within the limits of their authority, cause every notice required to be given to the owner of any land to be served on such owner, or left with some adult male member or servant of his family;

and if the place of abode of the owner be not within such limits, they shall send every such notice by post in a registered cover addressed to his place of abode, and such service shall be deemed to be good service of the notice.

When the name of the owner or occupier is not known, it shall be sufficient to designate him as "the owner" or "the occupier" of the land in respect of which the notice is served.

352. No assessment or rating of tax on property shall be invalid for error or defect of form, and it shall be enough in any assessment, valuation or rating for the purpose of making such tax, if the property so assessed or valued is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

353. Every person to whom a license has been granted under this Act shall at all reasonable times while such license shall remain in force, if thereunto required by the Commissioners, or other authority issuing the notice or by any person authorized by them in that behalf produce such license to the said Commissioners or other authority or to the person so authorized.

Whoever fails to produce his license when required to produce the same by any person authorized under this section to demand the production thereof, shall be liable to a fine not exceeding one hundred rupees.

354. All costs and other monies which are due under the provisions of this Act to the Commissioners or to the Magistrate acting under Chapter III, or to the Commissioners of any Station under Chapter IV, may be recovered in the manner provided in sections 109 to 117 (both inclusive).

355. If money be due under this Act in respect of any holding from the owner thereof, on account of any tax, expenses, or charges, recoverable under this Act, and if the owner thereof is unknown or the ownership thereof is disputed, the Commissioners, or other authorities who are entitled to demand payment of such money, may publish twice, at an interval of three months, a notification of sale of such holding, and after the expiry of not less than three months from the date of the last publication, unless the amount recoverable be paid, may sell such holding to the highest bidder, who shall at the time of sale deposit the full amount of the purchase-money.

Any person may pay the amount due at any time before the completion of the sale, and may recover such amount by a suit in a court of competent jurisdiction from any person beneficially interested in such property.

After payment of the amount due to the Commissioners or other authorities as aforesaid, the surplus, if any, shall be paid on demand to any person who establishes his right to the satisfaction of such Commissioners or other such authorities, or in a court of competent jurisdiction, or,

if unclaimed for a period of one year, shall be transferred to the Municipal Fund, Town Fund, or Station Fund, as the case may be.

356. The Commissioners under Chapter II, or the Magistrate acting under Chapter III, or the Commissioners under Chapter IV, respectively, may make compensation out of the Municipal, Town, or Stations Fund, respectively, to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act.

357. No suit shall be brought against the Commissioners of any Municipality, the Magistrate acting under Chapter III, or the Commissioners of any Station under Chapter IV, or any of their officers, or any person acting under their direction, for anything done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of such Commissioners or Magistrate, and also of the suit is intended, to be brought against any officers of the said Commissioners or Magistrate, or any person acting under their directions, at the place of abode of the person against whom such suit is threatened to be brought, stating the cause of suit and the name and place of abode of the intended plaintiff.

And unless such notice be proved, the Court shall find for the defendant.

Every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards.

If any such person to whom any such notice is given shall, before suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

358. Nothing in this Act contained shall be construed to

(a) render lawful any act or omission on the part of any person, which, but for this Act, would by law be deemed to be a nuisance.

(b) exempt any person guilty of nuisance from a suit in respect thereof.

(c) affect any enactment not hereby expressly repealed.

359. All Police Officers shall give immediate information to the Commissioners of the Municipality, the Magistrate of the town, or the Commissioner of the station, as the case may be, of any offence committed against this Act.

Any Police Officer may arrest any person committing in his view any offence against this Act, if the name and address of such person be unknown to him,

or if such person decline to give his name and address,

or if the Police Officer shall have reason to doubt the accuracy of such name and address, if given.

And such person may be detained at the Station House until his name and address shall be correctly ascertained, or until he shall be brought up at once before a Magistrate.

FIRST SCHEDULE

FORM A.—(See Section 101.)

Notice to be published with the list of assessment on persons.

BENGAL MUNICIPAL ACT, 1876.

Section 101.

MUNICIPALITY OF

Whereas the assessment shown in the accompanying list has been duly made pursuant to the Bengal Municipal Act, 1876, the several persons whose names are included in the said assessment are hereby required to pay the quarterly instalments set opposite to their names with regularity at the office appointed by the Commissioners for the receipt of the same, or to the tax-collector or other officer authorized to receive payment, the first payment to be made on the first day of () and every subsequent payment on or before the first day of (), the first day of (), and the first day of (), or in default thereof any arrear that may be due will be realized by distress and sale of the moveable property belonging to the defaulter, or which may be found on the holding in respect of which such defaulter is assessed, and by such other proceedings as are allowed by law.

Dated this day of

A B

Chairman of Commissioners.

FORM B.—(See section 101.)

Notice to be published with the valuation and rating list of holdings.

BENGAL MUNICIPAL ACT, 1876

Section 101.

MUNICIPALITY OF

Whereas the accompanying valuation and rating has been duly made pursuant to the Bengal Municipal Act, 1876, the several owners of the holdings included therein are hereby required to pay the quarterly instalments set opposite to their names with regularity at the office appointed by Commissioners for the receipt of the same, or to the tax-collector or other officer authorized to receive payment, the first payment to be made on the first day of () and every subsequent payment on or before the first day of (), the first day of (), and the first day of (), and in default thereof, any arrear that may be due will be realized by distress and sale of the moveable property belonging to the defaulter, or which may be found on the holding in respect of which the valuation is made and by such other proceedings as are allowed by law.

Dated this day of

A. B.

Chairman of Commissioners.

SECOND SCHEDULE.

FORM A.—(See section 109.)

NOTICE OF DEMAND UNDER SECTION 112, BENGAL MUNICIPAL ACT, 1876.

To of
Municipality of

Take notice that the sum of Rs. , being the amount due from you as shown in the accompanying bill, is hereby demanded from you, and

that if you do not within fifteen days pay the same with two annas as the cost of this notice, to an officer authorized to receive payment, or into the office of the Municipal Commissioners, the same with costs will be levied by distress and sale of your goods and chattels, or otherwise as provided by law

A B

Chairman of

[The following note will be added at the foot of the above notice in those cases only in which the notice is to be addressed to a person who has not already paid one instalment of the tax at the rate at which the demand is made.]

Note.—If you have any objection to make against the demand you may, instead of paying the amount which is hereby demanded, present a petition to the Commissioners praying for a review of the amount assessed (or rated). Such petition must be presented within fifteen days of the service of this notice, otherwise it will not be received. If you present such petition, no amount will be levied from you until the Commissioners shall have passed an order on your petition; but, after fifteen days from such order, the amount due by you, with such further costs as the Commissioners may direct, will be levied, unless it has been previously paid.

B

TABLE OF FEES PAYABLE UPON DISTRAINTS UNDER THIS ACT

FORM B.—(See section 110.)

Sum distrained for	Fees.
	Rs. A.
Under 1 Rupee	0 4
1 and under 5 Rupees	0 4
5 " 10 "	1 0
10 " 15 "	1 8
15 " 20 "	2 0
20 " 25 "	2 8
25 " 30 "	4 0
30 " 35 "	3 4
35 " 40 "	4 0
40 " 45 "	4 8
45 " 50 "	5 0
50 " 60 "	6 0
60 " 80 "	7 8
80 " 100 "	7 8
Above 100 "	10 0

The above charge includes all expenses including the service of notice of demand, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man. If the amount demanded be paid or the warrant discharged before the sale is held so that no sale is necessary, one-fourth of the fees specified in the above table shall be remitted.

C.—(See section 111.)

Distress Warrant.

BENGAL MUNICIPAL ACT (Section 111.)

To (here insert the name of the officer charged with the execution of the warrant).

Whereas of
has not paid or shown sufficient cause for the non-payment of the sum of rupees due for taxes (or rates) mentioned in the margin, although the said sum has been duly demanded in writing from the said and fifteen days have elapsed since the service of the notice of demand. This is to command you to distrain the moveable property of the said wherever it may be found, within the Municipality except ploughs, plough-cattle, tools, or implements of trade or agriculture, or any other moveable property, which may be found within the holding specified in the margin to the amount of the said sum of and the further sum of to defray the charges of taking, keeping, and selling such property; and if within ten

days next after such distress the said sum of shall not be paid, to sell the said property, and having paid and deducted out of the proceeds of the sale the said sum of and the charges of taking, keeping, and selling such property to return the surplus (if any) on demand to the person whom you shall have found in possession of the said property, and if no demand be made, to pay the same to the Commissioners. If distress cannot be made of sufficient property of the said you are to certify the same to us in returning this warrant.

A. B.

Chairman of

D.—(See section 111.)

From of Inventory and Notice.

BENGAL MUNICIPAL ACT.

(Section 111)

(State particulars of goods seized)

Take notice that I have this day seized the property specified in the above inventory for the sum of due for the taxes (or rates) mentioned in the margin, and that unless you pay to me or into the office of the Commissioners of the said sum of and further the costs of this distraint as specified below, within ten days from the day of the date of this notice, the property will be sold

*(Signature of the officer executing
the warrant of distress)*

Date

E.—(See section 113.)

Register of distraints of property and sales held on account of arrears for the month of

1876

1. Name of defaulter
2. Number on register and specification of the holding on account of which the arrear is due.
3. Amount of arrear due.
4. Amount of costs and penalty.
5. Total amount to be realized
6. Inventory of property seized under distress
7. Date of distress
8. Date of sale
9. Detail of articles sold
10. Amount realized on each article
11. Purchaser's name
12. Total amount realized
13. Amount paid in to the Commissioner's Office on account of the arrear due with date.
14. Amount paid in to the Commissioner's office on account of costs and penalties
15. Surplus proceeds of sale remaining after deducting the amount of arrears costs and penalties due.
16. How the surplus was disposed of with date of such disposal
17. Balance of arrear still remaining unrealized, if any.
18. On what date such remaining balance was realized or written off by authority.
19. Remarks (explaining why the property seized was released without sale if not eventually sold &c, &c)

THIRD SCHEDULE.

(See sections 77 and 119.)

TAX ON CARRIAGES AND ANIMALS

	Per quarter Rs. A
For every 4-wheeled carriage drawn by two horses	4 8
For every 4-wheeled carriage drawn by one horse or a pair of ponies under thirteen hands	3 0
For every 2-wheeled carriage	2 8
For every horse	2 0
For every pony under thirteen hands, and for every mule and donkey	0 12
For every elephant	6 0
For every camel	2 0
Ponies under eleven hands, and children's carriages, the wheels of which do not exceed twenty-four inches in diameter, are exempted	

FOURTH SCHEDULE

FORM A

Requisition to Panchait

SEE CHAPTER III, SECTION (311)

(Here insert the names, places of abode, business, or other description of the panchait)

I do hereby require you, the panchait appointed under Chapter III of the Bengal Municipal Act, 1876, with all reasonable expedition, within *(Here insert a period to be fixed by the Magistrate)* from the date hereof, to make out and forward to me, the undersigned Magistrate of the District of , a fair and equitable assessment upon the several occupiers of houses, shops, and buildings in the town of for the purpose of raising the sum of rupees required for the maintenance of the police for the year commencing on and other expenses authorized by the said Chapter III of the Bengal Municipal Act. You shall regulate and determine the amount of assessment to be levied from every such occupier according to the circumstances and the property to be protected of each person. But the amount assessed in respect of any one house shall not exceed rupees *(Here insert the pay of a policeman of the lowest grade)* and the aggregate amount assessed shall not exceed the average rate of two annas per mensem for each house, shop, or building in the district.

If the occupier of any house in the said district shall be unable, on the ground of poverty, to pay the assessment to which he is liable under the said Chapter, you shall exempt him from the same, but the property occupied, together with the name and description of such occupier, shall be specified in the list, together with the ground of exemption.

If any house be let out in portions to different persons, or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers, or travellers, shall be deemed the occupier of such house, and shall be assessed accordingly.

The assessment which you are hereby required to make shall specify the name of every occupier of property liable to be assessed, the name, trade,

or business or other description of the person assessed, the annual assessment and the quota payable monthly, and may be in the following form or to the like effect:—

Serial No	Property occupied	Name of occupier	Profession or business or other description	Amount of Annual assessment	Amount of monthly (or quarterly) payment

FORM B.

NOTIFICATION OF ASSESSMENT

(See Section 315)

An assessment made for the Town of upon the several occupiers of houses and other property in the said district, pursuant to Chapter III of the Bengal Municipal Act, 1876, for the purpose of maintaining the Police for such Town, for cleaning the Town, and for other purposes authorised by the said Act

Serial No	Property occupied	Names of occupiers	Profession or business	Amount of monthly (or quarterly) assessment

Whereas the above assessment has been duly made pursuant to the said Chapter III of the Bengal Municipal Act, 1876, and has been revised and settled by me, the undersigned Magistrate of the several persons whose names are included in the said assessment, are hereby required to pay the monthly (or quarterly) contributions set opposite to their names with regularity to the Tax Collector or other person appointed by the Magistrate to receive the same, the first payment on the tenth day of the month succeeding the date of this notification, and every subsequent payment on or before the tenth day of each succeeding month (if the tax is to be collected quarterly, the months in which the payment is to be made must be specified,) or in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter, or of any goods and chattels which may be found on the premises in respect of which such defaulter is assessed, and such other proceedings adopted for the recovery of the same as are allowed by law

dated this

day of

Magistrate of

FIFTH SCHEDULE.

(See section 2)

PART I—ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.

Number and year	Subject	Extent of repeal
XXVI of 1850	Improvements in towns	The whole Act so far as it affects the Provinces under the control of the Lieutenant-Governor of Bengal
XX of 1858	Police Chowkidars in cities &c. in the Presidency of Fort William in Bengal	So much as has not been repealed.
XAI of 1857	Order and good government in the suburbs of Calcutta and the station of Howrah	Sections 7, 18, 27, 28, 29, 30, 31, 32, 33, 34, 36, 41, 42, 44, 46, 49, 50
XII of 1858	For raising funds for making and repairing roads in the suburbs of Calcutta and Howrah	The whole Act

PART II—ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL

Number and year	Subject	Extent of repeal
III of 1864	District Municipal Improvement Act	So much as has not been repealed
VI of 1867	Regulation of police in towns and Municipalities	The whole Act
VII of 1867	Amending the District Municipal Improvement Act	The whole Act
II of 1868	Amending the District Municipal Improvement Act	The whole Act
VI of 1868	District Towns' Act	The whole Act
VII of 1870	Sanitary condition of Districts	The whole Act
II of 1873	Amending District Municipal Improvement and District Towns' Acts	The whole Act
IV of 1873	Registration of Births and Deaths	Section eleven

SIXTH SCHEDULE

(See section 2)

Number and year	Subject	Extent of repeal
Bengal Act IV of 1871	Sanitation of Portree and other towns in Orissa, and regulation of Lodging-houses therein	Sections 24 to 34, both inclusive.

FREDERICK CLARKE,

Offg. Asst Secy. to the Govt. of Bengal,
Legislative Department.

THE CALCUTTA MUNICIPAL CONSOLIDATION BILL, 1876

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THE following Bill, as provisionally settled by the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations, is, by order of the President, published for general information —

A Bill to consolidate and amend the law relating to the Municipal Affairs of Calcutta.

WHEREAS it is expedient to consolidate and amend the law relating to the municipal affairs of the Town of Calcutta: It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1 This Act may be cited as "The Calcutta Municipal Consolidation Act, 1876"

It shall come into force on the first day of Commencement of one thousand eight hundred and seventy-six, which date is hereinafter referred to as the commencement of this Act.

2 The enactments specified in the tenth schedule to this Act are hereby repealed to the extent mentioned in the third column thereof.

This repeal shall not revive any office, authority, or thing abolished by any such enactment, or affect the validity of any thing done or suffered, or any right, title, obligation, or liability accrued before the commencement of this Act.

And all rules prescribed, assessments, valuations, measurements, divisions, and appointments made, powers conferred, and notifications published under any such enactment, and all other rules (if any) now in force and relating to the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed, made, conferred, and published hereunder.

And all references made to any such enactment shall, as far as may be practicable, be deemed to be made to this Act.

And all proceedings now pending, which may have been commenced under any such enactment, shall be deemed to be commenced under this Act.

In respect to all the matters aforesaid, the Commissioners under this Act shall be substituted for the Justices of the Peace for the Town of Calcutta.

3. In this Act—unless there be something repugnant in the subject or context—

"Animal" means a horse, pony, mule, or bullock.
 "Bazar" means any place of trade, where there is a collection of shops and warehouses, and any place where a market is held.
 "Beast"

"Carriage" means any wheeled vehicle with springs used for the conveyance of human beings.
 "Carriage"

"Cart" means any cart, hackery, or wheeled vehicle with or without springs not included in the definition of carriage.
 "Cart"

"Chapter" means Chapter of this Act.
 "Chapter"

"Chairman" means the Chairman of the Commissioners of the Town of Calcutta.
 "Chairman"

"Commissioner of Police" means the officer so styled and appointed under section four of the Calcutta Police Act, 1866.
 "Commissioner of Police"

"Court of Small Causes" means the Court of Small Causes for the time being established by law in Calcutta.
 "Court of Small Causes"

"Drug" includes medicine for internal or external use.
 "Drug"

"House" includes any hut, building, or shed.
 "House"

"Immoveable property" and "land" respectively mean land, benefits to arise out of land, anything attached to the earth, or permanently fastened to anything attached to the earth.
 "Immoveable property"

"Movable property" means property of every description, except immoveable property.
 "Movable property"

"Local Government" means the Lieutenant-Governor of Bengal for the time being, or the person acting in that capacity.
 "Local Government"

"Owner" means "Owner" includes—

- (a) the person entitled for the time being to receive the rent of the land in respect of which the word is used;
- (b) an agent of such person;
- (c) a trustee for such person;

But no such agent or trustee shall be liable to do anything required by this Act to be done by the owner, nor shall he be subject to any fine for omitting to do such thing, unless he have sufficient funds in his hands, as such agent or trustee, to do such thing.

"Police Force" means the Police Force as constituted under section eight of the Calcutta Police Act, 1866.
 "Police Force"

"Public Street" means any road, street, square, court, alley, or passage, whether a thoroughfare or not, over which the public have a right of way, and also the roadway over any public bridge or causeway, and also the footway and drains attached to any street, public bridge (other than the Hooghly Bridge) or causeway within the Town.
 "Public Street"

"Street" means any road, street, square, court, alley, or passage, not included in the definition of public street.
 "Street"

"Railway" includes tramway.
 "Railway"

"Schedule" means schedule annexed to this Act.
 "Schedule"

"Section" means section of this Act.
 "Section"

"Slaughter-house" means any place used for the slaughter of cows, or bullocks, or sheep, or goats, or pigs, or kids, for the purpose of selling the same as meat.
 "Slaughter-house"

"The Suburbs" mean the Suburbs of Calcutta as defined by the Lieutenant-Governor of Bengal by notification in the Calcutta Gazette, under the provisions of Act III of 1874 of the Lieutenant Governor of Bengal in Council, or of any other Act for the time being in force.
 "The Suburbs"

"The Commissioners" means the "Corporation of the Town of Calcutta".
 "The Commissioners"

"The Town" includes all places within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William in Bengal, but not
 "The Town"

- (a) Fort William;
- (b) The Esplanade, or
- (c) Cooch Bazar, now called Hastings, except such portion as is bounded on the north by Clyde Row, on the south by Tolly's Nullah, on the east by the road leading from Kidderpore bridge to Clyde Row, and on the west by the Strand Road.

CHAPTER II.

OF THE MUNICIPAL AUTHORITIES.

PART I—Of the Constitution of the Corporation and Municipal Fund.

4 The Commissioners of the Town of Calcutta shall consist of seventy-two members, to be appointed or elected as hereinafter provided, and shall, by the name of "The Corporation of the Town of Calcutta," be a body corporate, and have perpetual succession and a common seal, and by such name shall sue and be sued.

The aforesaid number of seventy-two shall not include the Chairman or the Vice-Chairman of the Commissioners in the event of those two officers not being appointed or elected Commissioners under this Act, but in such case the said Chairman and Vice-Chairman shall be *ex officio* Commissioners.

The said seventy-two members shall be male persons resident within the Town or the Suburbs, who have attained the age of twenty-one years.

5. All property, moveable and immoveable, and all interest of whatsoever nature and kind therein, now vested in or held in trust for the Justices of the Peace for the Town of Calcutta, with all rights

Property to vest in Commissioners for the purposes of this Act.

of whatsoever description now used, enjoyed, or possessed by the said Justices, shall become vested in the Commissioners for the purposes of this Act.

6. Of the said seventy-two members twenty-four shall be appointed by the Local Government immediately after the result of the election hereinafter mentioned shall have been published, and such appointment shall take effect from the date on which such election takes place.

7. The remaining forty-eight members shall be elected in the manner hereinafter provided, by male persons resident within the Town or the Suburbs, who

shall have attained the age of twenty-one years, and who shall have severally paid, on their own behalf and not otherwise, to the Commissioners on or before the fifteenth day of January in the year in which the election takes place, any of the rates mentioned in Chapter IV assessed on land or mesuury buildings, or taxes mentioned in Parts I and II of Chapter III, for the next preceding year, to the aggregate amount of not less than twenty-five rupees.

The word 'land' in this section does not include huts erected on land.

8. Every male person shall be qualified for election as a member of the Corporation who shall have severally paid, on his own behalf, and not otherwise, to the Commissioners on or before the fifteenth day of January in the year in which the election takes place, any of the rates mentioned in Chapter IV or taxes mentioned in Parts I and II of Chapter III, for the next preceding year, to the aggregate amount of not less than one hundred rupees.

9. Where the aggregate amount of rates or taxes paid by a joint undivided family, or by two or more partners in any trade or business, or by the joint occupiers of any house or land, under Chapter IV, or under Parts I and II of Chapter III, on the date and for the period aforesaid, is not less than one hundred rupees, any one member of such family, or any one of such partners or joint occupiers, may, if otherwise qualified, be eligible for election as a member of the said Corporation.

The Chairman shall decide which of the said members, partners, or joint occupiers, is eligible for election, subject to an appeal under section fifteen.

10. For the purpose of the aforesaid election of Commissioners the Town shall be divided into eighteen wards, the boundaries of which are defined in the first schedule.

The first, second, third, fourth, eleventh, and eighteenth of the wards described in the said schedule may each elect two Commissioners, and the remaining wards may each elect three Commissioners.

11. If the rate or tax-payers of any ward shall fail to elect the number of Commissioners allotted to such ward under the last preceding section, the Local Government shall, in

place of such election, appoint one or more Commissioners to complete the number so allotted as aforesaid.

12. The first election shall take place at any time, not being less than two, or more than three months from the commencement of this Act; and until such election has taken place, and until the appointment of members by the Local Government takes effect under section six, this Act shall be read as if all the Justices of the Peace for the Town of Calcutta had been respectively appointed or elected Commissioners under this Act.

All subsequent elections, not being elections under section eighteen, shall take place on the expiration of three years from the date of the previous election.

Votes at all elections shall be rendered by means of voting papers, and under such rules as the Local Government may, from time to time, make for the purpose of regulating such elections, and the result of all elections shall be published in the Calcutta Gazette.

13. Any person qualified to vote at an election, or to be elected as a Commissioner, may, at any time, not being less than six weeks or more than three months before the election takes place, apply personally or by letter to the Chairman of the Commissioners for registration of his name as such voter or person qualified as aforesaid. On receipt of such application the Chairman shall, if he is satisfied that such person is qualified to vote or to be elected as aforesaid, enter the name of such applicant in a list

14. As soon as possible after the commencement of this Act, and subsequently from time to time on a date not less than one month before the election (not being an election under section eighteen) takes place, such list shall be printed and affixed by the Chairman of the Commissioners in some conspicuous place in or near his office, and at the Police station of each of the wards, mentioned in section ten, or at some conspicuous place in each of the said wards; and the Chairman shall forthwith give notice of such publication in one English and one vernacular newspaper published within the Town, and the said list shall be open to public inspection at all reasonable times of the day for fifteen days after the date of the publication of such notice.

The Chairman shall be at liberty at any time to revise the said list for the purpose of removing therefrom the name of any person not duly qualified and erroneously entered therein, or of recording the name of any person duly qualified and erroneously omitted therefrom.

15. Any person qualified to vote at an election, or to be elected, whose name is omitted from the list referred to in the last preceding section, may, in case the Chairman shall refuse to insert his name in such list, apply to a Magistrate of Police for the town of Calcutta within eight days after such refusal for an order to have his name inserted in such list, and such Magistrate shall, after enquiry, make such order as to the insertion or omission of the name of the applicant as shall be just, and such order, if it directs the insertion of

the name of the applicant in such list, shall be forthwith obeyed by the Chairman. The order of such Magistrate made under this section shall not be appealable.

16. No election shall be deemed to be invalid, or shall be in any way affected, by reason of the name of any person duly qualified as aforesaid being omitted from the said list, or by reason of the name of any person not duly qualified as aforesaid being inserted therein.

17. The members of the said Corporation shall be appointed or elected respectively for a term of three years. At the expiration of the term for which

the members of the said Corporation may be appointed or elected respectively, they shall cease to be members of the said Corporation, but shall be eligible to be again appointed or elected members of the said Corporation for a further term or terms.

Provided that the said term of three years shall be held to include any period which may elapse between the expiration of the said three years and the date of the next subsequent election, not being an election under the next succeeding section.

18. No person shall be qualified to be or to continue to be a member of the said Corporation who is or becomes at the time, or during the term of his appointment or election, a bankrupt or insolvent, or who is interested (otherwise than as a shareholder in a joint stock company) in any contract with the Corporation; and no person who is absent from Calcutta for six months consecutively, or who shall be sentenced to imprisonment, shall be qualified to continue to be such member.

In case of the death, resignation, or disqualification as aforesaid of any member of the said Corporation, his successor shall be forthwith appointed or elected in the manner prescribed in sections ten, eleven, and twelve; and such successor shall remain a member of the said Corporation for the residue only of the term for which the member so dead, resigned, or disqualified was originally appointed or elected.

Application of Municipal Property and Funds

19. All property vested in the Corporation, and all funds received or raised by them in accordance with the provisions of this Act, shall be applicable to the purposes expressly authorised by this Act.

20. The purposes expressly authorised by this Act shall be held to include the objects connected with the public safety, health, and convenience hereinafter specified; that is to say:—

Public Safety.

(1) Defraying the cost of the Police who may be employed for the security of life and property within the Town, in the manner and to the extent mentioned in Chapter VIII.

(2) Provision for lighting the public streets, places, and buildings, and for the securing or removal of dangerous places, buildings, and trades.

Public Health.

(1) Defraying the cost of the construction and maintenance of Hospitals, and Dispensaries; and of the charges of Vaccination, Registration of Births, Deaths and Marriages, and taking a Census.

(2) Construction and maintenance of public markets and slaughter-houses, latrines, privies, depots for the deposit or discharge of night-soil, urinals, drains, sewers, drainage-works, water-works, bathing-ghats, drinking fountains, tanks, wells, squares, and gardens, reclamation of unhealthy localities, and the like.

(3) Cleansing and watering of streets, sewers, scavenging, removal of noxious vegetation, and generally the abatement of all nuisances.

(4) Regulation of offensive trades, and burial and burning grounds, and the removal of and providing sites for the same.

Public Convenience.

(1) Construction, maintenance, and alteration of streets, bridges, causeways, culverts, and the like; regulation of buildings, naming streets and numbering houses, planting trees, and removal of obstructions and projections.

(2) Erection and maintenance of public halls, offices, police stations, lock-ups, and other buildings under the control of the Corporation, or required for municipal or police purposes.

(3) Survey of houses and preparation of plans. And generally all objects connected with the public safety, health and convenience.

21. It shall be the duty of the Commissioners, and they are hereby required, to provide such funds as may be necessary for the maintenance of the Police, in the manner and to the extent mentioned in Chapter VIII, and for the purpose of making adequate and suitable provision for the cleaning, draining, and conservancy arrangements of the Town, and for maintaining a proper and sufficient water-supply.

22. Upon complaint made to the Local Government that the Commissioners appointed by and under the provisions of this Act have made default in performing the duties imposed upon them by the last preceding section, the Local Government, if satisfied after due inquiry that the alleged default has been committed, shall make an order intimating a time for the performance of their duty by the Commissioners, and it shall be the duty of the Commissioners to comply with such order, and such order shall have all the force of a resolution passed by the Commissioners in meeting, and the Commissioners shall not have power to cancel or modify such order.

PART II.—Of the Officers of the Corporation.

23. The Local Government shall from time to time appoint a proper person to be Chairman of the Commissioners.

Such Chairman shall be removable from office by the Local Government if his removal be recommended by a resolution in favor of which not less than two-thirds of the Commissioners present at a special general meeting of the Commissioners shall have voted, but not otherwise.

24. The Commissioners, at a special general meeting to be held for that purpose, may from time to time appoint, for such period as they may think fit, a proper person to be Vice-Chairman of the Commissioners.

Such appointment shall be subject to the approval of the Local Government.

25. The Commissioners may, at a special general meeting, from time to time, appoint proper persons, for such period as they may think fit, to the several offices of Secretary, of Engineer, of Surveyor, of Health Officer, of Collector of Taxes, and of Assessor for the Town, or may appoint a proper person to two or more of such appointments or to one.

Every person so appointed, and also the Vice-Chairman, shall, in all things, be under the immediate orders of the Chairman, and shall perform such duties as shall be assigned by him, and may be removed by the Commissioners by a resolution in favor of which not less than two-thirds of the Commissioners present at a special general meeting shall have voted, and another person may be appointed in his place.

All appointments under this section shall be subject to the approval of the Local Government.

26. The Chairman and Vice-Chairman shall reside within the Town, and each of them shall devote his whole time to the duties of his office; and no Chairman or Vice-Chairman shall have or engage in any other profession, trade, or business whatsoever:

Provided that—

(a) Any Civil or Military Officer in the service of the Government may hold the office of Chairman or Vice-Chairman, so long as such Officer shall fill no other appointment than those specified in this section.

(b) The Chairman may also hold the office of Commissioner of Police, or of Commissioner as interpreted in section one of Bengal Act No. V of 1870 (to appoint Commissioners for making Improvements in the Port of Calcutta); and may perform such other duties as the Local Government may from time to time assign to the Commissioner of Police.

(c) The Chairman may also be a member of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.

(d) The Vice-Chairman may, with the sanction of the Local Government, be appointed to and may hold any other office in the employ of the Commissioners to which he may be appointed at a special general meeting.

27. The Chairman and the Vice-Chairman respectively may receive such allowances out of the Municipal Fund as shall be, from time to time, fixed by the Commissioners at a special general meeting.

Such allowances shall not exceed—

(a) for the Chairman three thousand rupees a month (exclusive of house-rent, which may or may not in the discretion of the Commissioners be allowed):

(b) for the Vice-Chairman twelve hundred rupees a month.

28. Every Secretary, Engineer, Surveyor, Health Officer, Collector of Taxes, and Assessor, appointed as hereinbefore provided, may receive such allowance out of the Municipal Fund as shall be from time to time fixed by the Commissioners at a special general meeting.

29. The Chairman may from time to time appoint all such Overseers, Clerks, Subordinate Officers, and servants, as he shall think necessary and proper to assist in carrying out this Act, and may from time to time remove any of such persons and appoint others in their place;

and may, with the sanction of the Commissioners in meeting, other than an ordinary meeting, pay out of the Municipal Fund such allowances to the said persons respectively, or, in case of absence on leave, such portion thereof as he shall think reasonable. Provided that the allowances of the officers filled by the said persons shall have been sanctioned in meeting, other than an ordinary meeting.

But no person shall be appointed to, or removed from, any office the monthly salary of which exceeds two hundred rupees, without the sanction of the Commissioners in meeting, other than an ordinary meeting.

30. The Commissioners may in meeting, other than an ordinary meeting, with the sanction of the Local Government, grant such leave of absence to the Chairman or any Officer appointed under sections twenty-four and twenty-five, and may, if such officer be other than the Chairman, make such arrangements for carrying on the duties of his office during his absence on leave as shall to them seem proper.

In any case in which leave of absence shall be granted to the Chairman, the Local Government shall appoint one of the Commissioners to act as Chairman in his place, or shall make such other arrangements for carrying on the duties of the office as to it shall seem proper.

Any person appointed under this section to act for the Chairman or any other Officer shall, while so acting, have all the powers and be liable to all the restrictions, limitations, and provisions, which the Chairman or other Officer for whom he may be appointed to act would, under this Act, have or be liable to.

31. In any case in which leave of absence shall be granted under the last preceding section, the Commissioners may in meeting, other than an ordinary meeting, by a resolution in favor of which not less than two-thirds of the Commissioners present at the meeting shall have voted, with the sanction

of the Local Government, out of the Municipal Fund, pay to the Chairman or other Officer aforesaid such allowance during absence on leave as shall to them seem proper.

32. The Commissioners may in meeting, other than an ordinary meeting, by a resolution in favor of which not less than two-thirds of the Commissioners present at such meeting shall have voted, from time to time make rules for pensions and gratuities to be granted, and to be paid out of the Municipal Fund, to their officers and servants, and may repeal, alter, or add to such rules.

No rule, and no repeal, or alteration of, or addition to any rule, shall have effect until the same has been confirmed by the Local Government and published in the *Calcutta Gazette*.

The Commissioners may in meeting, other than an ordinary meeting, from time to time, in accordance with such rules for the time being in force, grant such pensions or gratuities to any of their officers or servants as to the Commissioners may seem fit.

33. No Chairman or Vice-Chairman, or other officer or servant of the Commissioners shall be interested in contracts made with the Commissioners directly or indirectly in any contract made with the Commissioners, and if any such person be so interested, he shall become incapable of continuing in office or in employment as such Chairman, Vice-Chairman, or other officer or servant, and shall forfeit and pay the sum of five hundred rupees, which may be recovered by suit brought by or on behalf of the Commissioners.

Provided that no person shall, by reason of being a shareholder in, or a member of, any incorporated or registered Company, be deemed interested in any contract entered into between such Company and the Commissioners.

34. If any person employed under this Act not being a public servant within the meaning of Section 21 of the Indian Penal Code) shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act; or for showing or forbearing to show, in the exercise of his official functions, favor or disfavor to any person, or for rendering or attempting to render any service or disservice to any person, with the Commissioners or with any public servant, or with the Government, as such, he shall be punished with imprisonment, either simple or rigorous as provided in section 53 of the Indian Penal Code, for a term which may extend to three years, or with a fine not exceeding five thousand rupees, or with both.

PART III.—Of the Mode of transacting Business and entering into Contracts.

35. The Commissioners shall provide and keep an office within the Town, and shall at such office, and during all days of business, keep open a book in which shall be entered all reasonable complaints made, orally or by letter, by any inhabitant, or the owner, or occupier of any land within the Town, of any matter cognisable by the Commissioners;

and the proper Officer of the Commissioners shall forthwith enquire into the truth of all such complaints, and report thereon to the Commissioners; and such report shall be entered in the said book, and such book shall be open, at all reasonable times, to any inhabitant, or owner, or occupier of land within the Town.

36. There shall be four quarterly meetings in every year, and one ordinary meeting in every month, at which the Commissioners shall meet for the transaction of general business.

The quarterly meetings shall be held in the months of January, April, July, and October, or in any month to which the quarterly meetings first called for the months of January, April, July, and October may be adjourned; and the ordinary meetings at such dates as the Commissioners in meeting may from time to time direct.

Provided that no ordinary meeting need be called if there be no business to be laid before it by the Chairman or by any of the Commissioners.

37. The Commissioners shall, from time to time, as occasion may require, at a special meeting to be convened for that purpose or at some adjournment thereof, fix and determine the kind of business that may be transacted at the said ordinary and quarterly meetings and no business, save such kind of business, shall be transacted at such meetings.

But the Chairman may postpone the discussion of any question that may be raised at any such meeting, and refer the determination thereof to a special or special general meeting to be convened within fourteen days thereafter.

38. The Chairman or, in his absence, the Vice-Chairman, may, whenever he thinks fit, and shall, upon a requisition made in writing by any ten Commissioners, call a special or special general meeting of the Commissioners. Previous to any such meeting, at least five days' clear notice, specifying the time and place of such intended meeting, and the purpose for which it is to be held, shall be given by advertisement in at least two of the daily newspapers published within the Town.

39. No business shall be brought before, or transacted at, any special or special general meeting other than the business specified in the notice given under the last preceding section:

Provided that any Commissioner may submit to a special or special general meeting any resolution beyond the matters mentioned in the notice given of such meeting, if he shall have given not less than two clear days' previous notice of his intention so to do, by leaving a copy of the resolution at the office of the Commissioners.

40. All acts authorized or required to be done by the Commissioners, and all questions which may come before them for decision, shall, save as is herein otherwise provided, be done, and decided by, a majority of the Commissioners present at the meeting before which the matter may be brought.

41. The Chairman and Vice-Chairman shall attend all meetings of the Commissioners held under this Act, unless prevented by sickness or other reasonable cause; and the Chairman, or, in his absence, the Vice-Chairman, shall preside at every such meeting, and shall have a second or casting vote in all cases of equality of votes.

In the absence of both the Chairman and Vice-Chairman, the Commissioners present at any meeting shall choose some one of their number to preside, who shall, in case of equality of votes, have a second or casting vote.

The President of any meeting at which a quorum of the Commissioners shall be present, may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place; but no business shall be transacted at any adjourned meeting, other than the business left unfinished at the meeting from which such adjournment took place.

42. No business shall be transacted at any meeting unless a quorum of Commissioners be present at such meeting, that is to say:—

- (a) At an ordinary meeting at least six;
- (b) At a special meeting at least nine;
- (c) At a special general, or quarterly meeting, at least eighteen.

Provided that, if at any meeting there shall not be a sufficient number of Commissioners present to form a quorum as above mentioned, the President (whether he be the Chairman or not) shall adjourn the meeting to such convenient time and place as he shall think fit; and the business which should have been brought before the original meeting had there been a quorum present, shall be brought before, and disposed of by the adjourned meeting in the usual manner, whether there be a quorum present at such adjourned meeting or not;

Provided also that no business shall be brought before an adjourned special general or quarterly meeting, unless there are at least ten Commissioners present at such adjourned meeting.

43. Minutes of the proceedings of all meetings shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the President after each meeting; and minutes of each meeting shall be laid on the table at the next subsequent meeting, and the said Minutes shall, at all reasonable times, be open at the office of the Commissioners to the inspection of any Commissioner without charge, and of any other person on payment of a fee of eight annas.

44. At any special general or quarterly meeting, unless a poll be demanded by at least five Commissioners, and at any special or ordinary meeting, unless a poll be demanded by at least three Commissioners, a declaration by the President that a resolution has been carried, and an entry to that effect in the Book of Proceedings of the Commissioners shall, for the purposes of this Act, be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favor of, or against such resolution.

45. If a poll be demanded as in the last preceding section mentioned, the votes of all the Commissioners present who desire to vote shall be taken under the direction of the President, and the result of such poll shall be deemed to be the resolution of the Commissioners at such meeting.

46. The Chairman or Vice-Chairman shall, except upon such holidays as shall be allowed by the Government, and unless prevented by sickness or other reasonable cause, attend daily at the office of the Commissioners for the transaction of business connected with or arising under this Act, and, when so attending, shall have all the powers vested by this Act in the Commissioners; and they may respectively exercise the like powers at all times in carrying out the orders of the Commissioners, or in executing any work sanctioned by them, and generally in the management of the business aforesaid:

Provided that no Chairman or Vice-Chairman shall act in opposition to, or contravention of, any order of the Commissioners, or exercise any power which by this Act is directed to be exercised only by the Commissioners in meeting.

47. The Commissioners may enter into and perform all such contracts as may be necessary for carrying this Act into effect.

Every contract made on behalf of the Commissioners in respect of any sum exceeding one thousand rupees, or in respect of any property exceeding one thousand rupees in value, shall be in writing, and signed by the Chairman (or, in his absence, by the Vice-Chairman), and two other Commissioners, and shall be sealed with the seal of the Commissioners, and no such contract shall be made without inviting tenders thereon, and without the approval of a Committee of the Commissioners.

Unless so executed it shall not be binding on the Commissioners.

The Commissioners may compound with any contractor or other person in respect of any penalty or damages incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract or otherwise, for such sums of money or other recompense as to the Commissioners may seem proper.

48. The Commissioners in meeting may from time to time appoint, from among the Commissioners, such and so many Committees, either of a general or of a special nature, and consisting of such number of persons as they may think fit, for the purpose of inquiring into, and reporting upon, any matter connected with the conservancy or improvement of the Town, or of advising and aiding the Chairman in the discharge of any portion of his executive duties, which in the discretion of the Commissioners would be better regulated or managed with the advice and aid of any such Committee:

Provided that the Chairman or Vice-Chairman shall be a member of every such Committee, and that the proceedings of every such Committee shall be submitted to the Commissioners at a meeting;

Provided also that in cases where the Chairman and the majority of the Committee differ on any matter, no action shall be taken in respect of such matter until it be disposed of by the Commissioners in meeting.

PART IV.—Of the Estimates of Income, Expenditure, and Audit.

49. At the quarterly meeting to be held in the month of October in each year, the Chairman shall lay before the Commissioners a Budget or Estimate, prepared by him, of the income and expenditure of the Commissioners (not mentioned in Chapter VIII) for the year commencing on the first day of January then next succeeding, in such detail and form as the Commissioners shall from time to time, by order passed at a quarterly or special general meeting, direct.

Such Budget shall be completed and printed, and a copy thereof, as far as may be practicable, sent by post or otherwise to each of the Commissioners resident within twenty miles of Government House, at least seven days prior to the meeting before which the Budget is to be laid.

50. The Budget shall show what expenditure it is proposed to incur during the period to which it relates, and the manner in which it is proposed to meet such expenditure.

Provided that nothing contained in this section shall preclude the Commissioners in meeting from sanctioning expenditure not provided for in the Budget.

51 It shall be in the discretion of the Commissioners at the meeting referred to in section forty-nine to pass or to reject, or to modify, the estimates of all or any sums, entered in the Budget.

No new work or series of works, the entire estimated cost of which shall exceed fifty thousand rupees, shall be commenced without the sanction of the Local Government.

52. The accounts of the receipts and expenditure of the Commissioners shall be audited and examined at least once in every year at such time and by such auditors as shall, from time to time, be appointed by the Local Government.

53. For the purposes of any audit and examination of accounts under this Act, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

54. If any such person neglect or refuse to make or sign such declaration, or to produce any such books, deeds, contracts, accounts,

vouchers, documents, or papers, or to make or sign such declaration, he shall be liable for every neglect or refusal to a fine not exceeding one hundred rupees, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence.

55. All auditors acting under this Act shall, in respect of each audit, be paid out of the Municipal Fund such reasonable remuneration as the Commissioners in meeting, other than an ordinary meeting, shall from time to time determine.

56 Before each audit and examination of accounts, the Commissioners shall give ten days' notice of the time and place at which

the same will be made, by advertisement in at least two of the daily newspapers, published in Calcutta, and a copy of the accounts to be audited and examined shall be deposited in the office of the Commissioners, and be open during office hours thereat, to the inspection of all persons interested for seven days before the audit and examination, and all such persons shall be at liberty to take copies of, or extracts from, the same, without the payment of any fee; and within fourteen days after the audit and examination shall have been completed, the auditors shall report upon the accounts audited and examined, and shall deliver such report to the Commissioners at a meeting, who shall cause the same to be deposited in the office of the Commissioners, and to be published in the *Calcutta Gazette*.

PART V.—Of the Fixing of Rates.

57. At the quarterly meeting to be held in the month of October in each year as aforesaid, the Commissioners shall fix the rates at which the rates and taxes hereinafter mentioned shall be imposed for the year commencing on the first day of January then next ensuing, and the rate so fixed shall not be altered before the quarterly meeting held in the next succeeding month of October, except by a resolution passed by the Commissioners at a special general meeting.

58. If it shall at any time appear to the Local Government that the Commissioners have failed to provide sufficient funds for the efficient performance of the duties imposed on them by section twenty-one, it shall be lawful for the Local Government by a notification published in the *Calcutta Gazette* to declare the rates at which the rates and taxes imposed by this Act, or any of them, shall be raised from the commencement of the next ensuing quarter, until the close of the current year, and it shall be the duty of the Commissioners to comply with such notification; and such notification shall have all the force of a resolution passed by the Commissioners under the last preceding section, and the Commissioners shall not have power to alter the rates at which the rates and taxes are fixed by such notification.

CHAPTER III.

OF TAXES.

PART I.—Of the Tax on Carriages and Animals.

59. A tax at a rate not exceeding the rates specified in the second schedule shall be imposed upon all carriages and animals kept within the Town, and shall be payable in advance. But it shall not be imposed on—

- (a) animals belonging to Officers doing regimental duty at the Presidency, at the rate of one animal for each Officer;
- (b) animals exempt from any municipal tax under section twenty-five of the Indian Volunteers' Act, 1869;
- (c) carriages or animals belonging to the Government or to the Commissioners;
- (d) carriages, the wheels of which do not exceed twenty-four inches in diameter;
- (e) animals under eleven hands in height;
- (f) carriages kept for sale by *bond fide* dealers in such carriages and not used for any other purpose;
- (g) animals used by, or in, any cavalry regiment, or by the Police Force.

60. The person in possession of every carriage or animal kept within the Town shall, on or before the first day of January and the first day of July in each year, forward to the office of the Commissioners, a statement in writing signed by him, containing a description of the carriages and animals in his possession liable to the tax.

Such person shall at the same time pay to the Commissioners such sum as shall be payable by him for the half-year commencing on the first day of January or July (as the case may be) for the carriages and animals specified in such statement, according to the rates given in the second schedule.

Any person becoming possessed between the first day of January and the first day of July, or between the first day of July and the first day of January, of any carriage or animal so kept, shall, within a week of becoming so possessed, send to the office of the Commissioners a similar statement, together with the amount payable for the whole of the then current half-year, according to the rates specified in the second schedule.

The Commissioners may, if they are satisfied that any such carriage or animal has been kept for only a portion of the then current half-year, remit the whole, or such portion thereof as they may think fit, of the amount so payable.

For the purposes of this section a livery stable-keeper shall be deemed to be possessed of every animal in his stables.

61. Whenever any person shall pay to the Commissioners the amount of the tax which under the two last preceding sections shall be payable by him in respect of all carriages and animals kept within the Town, the Commissioners shall grant to such person a license to keep within the Town such carriages and animals during the current half-year ending upon the first day of January, or the first day of July which shall occur next after the grant of such license, and no longer.

62. Whoever keeps or is in possession of any carriage or animal without the license required by the two last preceding sections, shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, exclusive of the amount so payable.

63. The Commissioners, at their discretion, may compound, for any period not exceeding one year, with livery stable-keepers, and other persons keeping carriages for hire, or animals for sale or hire, for a certain sum to be paid for the carriages or animals so kept by such persons, in lieu of the taxes specified in the first schedule.

64. Whoever, having compounded for the payment of a certain sum under the last preceding section, refuses to pay such sum, shall be liable to a fine not exceeding three times the amount payable by him in respect of such composition, exclusive of the amount so payable.

65. The Commissioners may, by a notice in writing under their common seal, require any person who shall carry on the trade or business of a livery stable-keeper, to produce, for the inspection of the Commissioners or of any officer authorized by them in that behalf, all books and accounts relating to the business of a livery stable-keeper carried on by such person.

66. The Commissioners or any person authorized by them in that behalf, may at any time between sunrise and sunset, enter and inspect any stable or coach-house, or any place wherein they may have reason to believe that there is any carriage or animal liable to taxation; and the Commissioners may summon any person whom they have reason to believe to be liable to the payment of any tax under sections fifty-nine and sixty, or any servant of such person, and may examine such person or servant as to the number and description of the horses and carriages in respect of which such person is liable to be taxed.

67. Whoever neglects or refuses to comply with a notice served under section sixty-five, and who ever hinders or obstructs the Commissioners or any person appointed by them, from or in entering or inspecting any stable, coach-house, or place, in the manner provided in the last preceding section, shall be liable to a fine not exceeding one hundred rupees.

68. The Commissioners shall, from time to time, cause to be prepared and entered in distinct columns, in a book to be kept at the office of the Commissioners and to be open to the inspection of any person who shall apply for leave to inspect the same, a list of the persons to whom during the then current period of six months a license has been granted under section sixty-one, and of the carriages and animals in respect of which the same has been granted.

PART II.—Of the Tax on Professions, Trades, and Callings

69. Every person who shall, within the Town, exercise any of the professions, trades, or callings, specified in the third schedule, shall yearly take out a license, and shall pay for the same such sum as is in the third schedule mentioned.

The Commissioners may in their discretion remit any portion of the sum so payable if they are satisfied that any such person has exercised any such profession, trade, or calling, for a portion of the year only.

70. The license mentioned in the last preceding section shall be granted by the Commissioners or by some person authorized by them in that behalf, and shall specify, the date of the grant thereof,

the name of the person to whom the license is granted, the profession, trade, or calling for which the license is granted,

and the sum paid for such license.

Such license shall have effect and continue in force from the commencement of the year in which it is granted until the thirty-first day of December next after the day of the granting thereof, and no longer.

71. Whoever exercises any trade, profession, or calling without the license required by section sixty-nine, shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, exclusive of the amount so payable.

72. The Chairman, or some other officer authorized by him in that behalf, shall determine under which of the classes mentioned in the third schedule, every person to whom a license may be granted shall be assessed, and may in his discretion remit the payment of license tax either in whole or in part to any person classified under Classes 5 or 6 of the third schedule.

73. Any person may, within fourteen days of the date of his being informed of the class under which he has been assessed as determined in the last preceding section, appeal against such assessment by delivering at the office of the Commissioners an application in writing stating the grounds of appeal; and such appeal shall be heard and determined by not less than three Commissioners other than Executive Officers of the Commissioners.

No such appeal shall be heard unless the amount of the license assessed as aforesaid has been deposited with the Commissioners.

If no appeal be made within the time limited as aforesaid, the decision of the Chairman or Vice-Chairman shall be final.

74. The Commissioners may, by a notice in writing under their common seal, require the occupier of any house to forward to them a list in writing signed by him of the names of all persons residing in such house, and of their respective professions, trades, and occupations.

75. Whoever being the occupier of any house fails to forward such list when required to do so under the last preceding section, shall be liable to a fine not exceeding hundred rupees.

76. As soon as may be after the first day of January in every year, the Chairman shall prepare a list of the persons licensed under sections sixty-nine and seventy which shall state the profession, trade, or calling of every such person therein named; the class under which he is assessed, and the sum paid by him in respect of his license, and such list shall be kept in the office of the Commissioners and be open to public inspection at all reasonable times.

PART III.—Of the Registration of Carts.

77. Every cart kept or used within the Town, or the Suburbs, or Howrah, shall be registered in the office of the Commissioners with the name and residence of the owner, and shall have affixed thereto the number of such registration in such manner as the Commissioners shall direct.

78. Whoever keeps or is in possession of a cart not duly registered as required by the last preceding section, shall be liable to a fine not exceeding three times the amount payable by him in respect of such registration, exclusive of the amount so payable; and whoever, being the owner or driver of any cart, shall fail to affix the registration number required by the last preceding section, shall be liable to a fine not exceeding five rupees.

79. The registration of carts, under the last preceding section, shall be made and the numbers assigned half-yearly, on or after the first day of January and the first day of July in each year, upon such days as the Commissioners shall appoint, and a fee of four rupees shall be paid for each registration.

The Commissioners may in their discretion remit any portion of the fee so payable if they are satisfied that the cart heretofore required to be registered has been kept or used as in the last preceding section mentioned for a portion of the half-year only.

When any registered cart is transferred within any half-year, it shall be registered anew in the name of the person to whom it has been transferred; and a fee of four annas shall be paid for every such last mentioned registration.

One-sixth of the total net proceeds of the fees half-yearly received by the Commissioners for the registration of carts, after deducting charges incurred in and about such registration, shall be paid half-yearly by the Commissioners to the municipality of the Suburbs, and one-twelfth of such proceeds to the municipality of Howrah.

Provided that it shall be in the discretion of the Local Government, from time to time, to alter the proportion of the said proceeds required by this section to be paid by the Commissioners to

the municipalities of the Suburbs and of Howrah respectively, and to prescribe such other proportions as to it shall seem proper.

80. The two last preceding sections shall not apply to carts—

- (a) which are the property of the Government,
- (b) which are the property of the Commissioners, the Municipal Commissioners of the Suburbs, or of Howrah
- (c) or which are kept at any place more than eight miles distant from Government House, and are only temporarily and casually used within the Town, the Suburbs, or Howrah.

81 If any person owns or keeps any cart herebefore required to be registered, without having caused the same to be registered, the Commissioners or

any Officer authorized by them in that behalf, may seize such cart (provided the same be not employed at the time of the seizure in the conveyance of passengers or goods), together with the animals or cattle drawing the same, and may detain them;

and all Police Officers shall, on the application of the Commissioners or their Officers as aforesaid, seize and detain any such cart, animals or cattle.

If the cart, animals, or cattle so seized be not claimed within ten days, they may be sold by auction by order of a Justice of the Peace, or Magistrate, and the proceeds of such sale may be applied to the expenses incurred on account of the seizure, detention, and sale, and the surplus (if any), if not claimed within a further period of twenty days, shall be paid to the Municipal Fund of Calcutta.

CHAPTER IV

OF THE RATES.

PART I.—Of Imposing the Rates

82. The Commissioners shall, as provided in section fifty-seven, impose upon all houses and land within the town the following annual rates, which shall be calculated on the annual value of the said houses and land—

- (a) a House-rate, not exceeding ten per cent ;
- (b) a Water-rate, not exceeding six per cent when the houses and land are situated in streets supplied with filtered water in the manner provided by section one hundred and twenty-three, and not exceeding five per cent when the houses and lands are situated in streets not so supplied
- (c) a Police rate, not exceeding three per cent. ;
- (d) a Lighting rate, not exceeding two per cent.

The Commissioners may impose upon all houses and land situated within the boundaries notified under section one hundred and sixty-two an annual Drainage rate, not exceeding two and a half per cent of their annual value.

83 The House-rate and Drainage-rate shall be payable by the owners of the houses and land.

The Water-rate shall (save as is provided in section ninety-three) be payable by the occupiers of the houses and land.

The Police and Lighting-rates shall be payable by the occupiers of the houses and land.

All the rates herebefore mentioned shall be payable by quarterly instalments.

The House-rate shall be payable on the first of April, the first of July, the first of October, and the first of January, for the quarters immediately preceding those dates.

The Water-rate shall (save as is provided in section ninety-three) be payable in advance on the dates above mentioned for the current quarter.

The Police and Lighting-rates shall be payable in advance on the dates above mentioned for the current quarter.

PART II.—Of the Owner's Rates.

84. If the annual value of any house or land as assessed under Chapter V,

shall in any case exceed the amount of rent payable by the occupier to the owner, the owner may in such case recover from the occupier the

difference between the sum assessed upon him and the sum at which he would have been assessed had he been rated only upon the amount of rent actually payable to him, and such difference shall be added to the rent payable by the occupier, and shall be recoverable by the owner from him.

85 Where any house or land, whereon the

rate is assessed under section eighty-two has been vacant for sixty consecutive days

during any year, the person assessed to the said rate shall be entitled to a remission of so much thereof, not exceeding one-half of the rate for that year, as shall be proportionate to the number of days such house or land has been vacant, if notice shall have been given in writing to the Commissioners of such house or land being vacant, and the date of vacancy shall be calculated from the date of the delivery of such notice at the office of the Commissioners.

86 No remission shall be made under the last preceding section, unless

the same shall be applied for within six months from the date of cessation of occupation of the house or land on account of which the remission is applied for.

PART III.—Of the Occupier's Rates

87. Whenever any quarterly instalment of Water-rate shall have been

paid in respect of any house or land, and such house or land shall, during the quarter for which such instalment shall have been

paid, cease to be occupied, the person who shall have paid such Water-rate shall be entitled to be repaid by the Commissioners three-fourths of such sum as shall bear to the amount paid by him the same proportion which the residue of the quarter bears to an entire quarter, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of the delivery of such notice at the office of the Commissioners.

88. Whenever any quarterly instalment of the Police and Lighting-rates shall have been paid in respect of any house or land, and such house or land shall, during the quarter for which such instalment shall have been paid, cease to be occupied, the person who shall have paid such instalment shall be entitled to be repaid by the Commissioners such sum as shall bear to the amount paid by him the same proportion which the residue of the quarter bears to an entire quarter, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of delivery of such notice at the office of the Commissioners.

89. No refund of rates shall be made under the two last preceding sections, unless the same is applied for within six months from the date of cessation of occupation of the house or land on account of which the refund is applied for.

90. Whenever any house or land, which shall have been unoccupied, shall be occupied during any quarter, there shall be forthwith payable in respect of such house or land such amount of the Water, Police, and Lighting-rates as shall bear to the entire quarterly instalments of the said rates for such house or land, the same proportion as the residue of such quarter after such house or land shall be occupied, bears to an entire quarter.

91. Whenever any person holding any house or land at a rent from the person liable to pay the House-rate, or may sublet the same to different persons holding in severality, the person so holding shall, for the purposes of this Act, be deemed to be the occupier of such house or land.

92. Whenever the person from or by whom the Water-rate shall have been recovered or paid shall not be the owner of the house or land in respect of which the Water-rate shall have been assessed, such person may recover from the owner of such house or land one-fourth of the Water-rate so paid by deducting the same from the rent payable by him to such owner.

93. Whenever any house or land has been unoccupied during an entire quarter, the owner of the said house or land shall pay to the Commissioners one-fourth of the sum which would have been payable as Water-rate by the occupier if such house or land had been occupied.

The sum payable by the owner under this section shall be payable on the first of April, the first of July, the first of October, and the first of January, for the quarters immediately preceding those dates.

94. If any house is occupied by more than one person holding in severality, or is of less assessed annual value than two hundred rupees, the Commissioners may impose the Water, Police

and Lighting-rates upon the owner of such house, or upon the owner of the land on which such house is situated.

95. If the Water-rate is paid by the owner of any house or land under the last preceding section, such owner may, if there be but one occupier of the house, recover from such occupier three-fourths of the rate so paid by such owner.

and if there be more than one occupier, he may recover from each occupier three-fourths of such sum as shall bear to the entire amount of rate so paid by him the same proportion as the value of the portion of the house in the occupation of such person bears to the entire value of such house.

96. If the Police and Lighting-rates are paid by the owner of any house or land under section ninety-four, such owner may, if there be but one occupier of the house, recover from such occupier the entire amount of the rate so paid by such owner;

and if there be more than one occupier, he may recover from each occupier such sum as shall bear to the entire amount of rate so paid by him the same proportion as the value of the portion of the house in the occupation of such person bears to the entire value of such house.

97. Every owner who, under the provisions of the two last preceding sections, may be entitled to recover any sum from the occupier of any house or of any portion thereof, shall have for the recovery of such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to him by the occupier in respect of such portion of the house as may be in his occupation.

CHAPTER V.

OF THE ASSESSMENT OF HOUSES AND LAND

98. The estimated gross annual rent at which any house or land, liable to rate under this Act, might reasonably be expected to let from year to year, shall, for the purposes of any rate to be imposed under this Act, be held and be deemed to be the annual value of such house or land.

The value of land so estimated shall not include the value of any machinery thereupon.

Provided that all the unoccupied land, roads, and slopes of the Port Commissioners shall be rated at the rent for which the said land, roads, or slopes might be reasonably expected to let, in the same manner as if the said land, roads, and slopes were used for other than public purposes, and belonged to persons other than a public body, save and except the road extending from the northern boundary of the premises occupied by the East India Railway Company at Armonian Ghat to the Chitpore canal, and the road extending from the Chitpore road to the river Hooghly at Coomartollah Ghat, for a width not exceeding seventy feet and sixty feet respectively, which shall be exempted from assessment of any rate under this Act.

99. All assessments made by the Commissioners prior to the passing of this Act shall remain in force during the period for which they were so made, and on the expiration of such assessments, the annual value at which any house or land is to be assessed shall be fixed by the Commissioners, and such land shall be assessed upon the value so fixed for six years from the date on which it is so fixed.

100. If, during the currency of any period mentioned in the last preceding section, any substantial alteration and improvement is made to any such house or land, the Commissioners may cause such house or land to be again assessed, even though such period has not expired, and such last mentioned assessment shall be in force, and the rate shall be imposed according to it, until the expiration of the said period of assessment.

101. If, during the currency of any period mentioned in section ninety-nine, any such house or land shall receive substantial injury through fire, cyclone, the act of God, or civil commotion, or suffers material depreciation from any cause proved to the satisfaction of the Commissioners to have been beyond the control of the owner or occupier thereof, the Commissioners shall, as soon as practicable, on application being made to them in writing by the owner or occupier of such house or land, cause such house or land to be again assessed, even though the current period of assessment has not expired, and such last mentioned assessment shall be in force, and the rate shall be imposed according to it, until the expiration of the said period of assessment.

Provided that if any substantial alteration and improvement shall be made, prior to the expiration of the said period of assessment, to the house or land which shall have been again assessed as aforesaid, the Commissioners may cause such house or land to be again assessed as under section one hundred.

102. The annual value assessed by the Commissioners as heretofore provided, shall be entered in a book to be kept at the office of the Commissioners, wherein shall also be written in distinct columns—

- (a) the name of the owner;
- (b) the name of the occupier, if the occupier is the person liable to pay the rate;
- (c) a designation of the property, sufficient to identify the same, together with the name and number of the street (if any) in which it is situated;
- (d) the amount of the rate assessed thereon; and
- (e) the amount of the rate assessed on the house and on the land respectively, whenever any rate is payable by the owner of the land, and the said owner is not the owner of the house situated on the said land.

The book required to be kept under this section is hereinafter called the "assessment book."

When the name of the owner or occupier is not known, it shall be sufficient to designate him in the assessment book as the "owner" or "occupier."

103. The Commissioners shall from time to time make a valuation or measurement of all houses and land within the Town, and for such purpose may divide the Town into such and so many districts as they may think fit, and proceed to make a separate valuation or measurement distinct by district, and shall enter the same in the assessment book.

104. The Commissioners may require the owner or occupier of any house or land, to furnish them with returns of the measurements and of the rent or annual value thereof; and the Commissioners or any person authorized by them in that behalf, may at any time between the hour of seven in the forenoon and sunset enter on, and inspect, survey, and measure such house or land, after giving a notice in writing of not less than twenty-four hours.

105. Whoever refuses or fails to furnish any such return for the space of one week from the day on which he shall have been required so to do, or knowingly makes a false or incorrect return, and whoever hinders, obstructs, or prevents any Commissioner or any person appointed by the Commissioners as aforesaid, from entering or inspecting or measuring any such house or land shall be liable to a fine not exceeding two hundred rupees for every such offence.

106. When the valuation or measurement of any of the districts of the Town, into which it may have been divided by the Commissioners, shall have been completed, the Commissioners shall give public notice thereof and of the place where the assessment book, or a copy thereof, may be inspected, by advertisement in at least two of the English daily newspapers, and in two vernacular newspapers, published within the Town, and also by placards posted up in conspicuous places throughout such district of the Town;

and the person in whose custody the assessment book may be, shall permit every person being the owner or occupier of any house or land included in the assessment or measurement, or the agent of such owner or occupier, to inspect the book and to make extracts therefrom without payment of any fee, and every person not being such owner or occupier, to inspect and make extracts, in like manner, on payment of a fee of one rupee.

107. The Commissioners shall, in all cases in which any house or land is for the first time assessed, or in which the valuation or measurement of any house or land previously assessed is increased, give special notice thereof to the owners or occupiers of the same, and when the valuation is increased as aforesaid, the said notice shall state the grounds of such increase.

108. Appeals against any assessment made by the Commissioners under this Chapter shall lie

- (a) to not less than three Commissioners, other than executive officers of the Commissioners;
- (b) to the Court of Small Causes.

In any case of an appeal to the Court of Small Causes under this section the said Court may follow the procedure laid down in sections three hundred and forty-eight and three hundred and forty-nine.

109. Any person desiring to appeal against any assessment made under this chapter, shall, within fifteen days of the notice referred to in section one hundred and six, deliver at the office of the Commissioners a notice in writing, stating the grounds of appeal, and also informing the Commissioners whether he intends to appeal under clause (a) or (b) of the last preceding section.

No appeal shall lie as hereinbefore provided unless the amount of the house-rate for one quarter, under the assessment about to expire, has been deposited with the Commissioners:

and unless the appeal is preferred by the person who, at the time the appeal is made, shall be recorded in the said book as the owner of the house or land to which the appeal refers, or by the occupier thereof, or by the agent of either of them

110. The Commissioners shall give notice of a day, not being less than fifteen days from the publication of such notice, when they will proceed to hear the appeals under clause (a) of section one hundred and eight.

Every appeal under clause (b) of the said section shall be presented to the Small Cause Court within seven days from the date of the delivery of the notice at the office of the Commissioners under the last preceding section.

111. The assessment by the Commissioners of any rate, when no appeal therefrom is made as hereinbefore provided, and the adjudication of any appeal under the two last preceding sections, shall be final and conclusive.

112. The assessments made by the Commissioners in accordance with the provisions of section one hundred and three, subject to such alterations as may from time to time thereafter be duly made on appeal, shall be entered in the assessment book, and the rate calculated on the said assessment shall, subject to such alterations as aforesaid, be deemed to be the rate for the whole period for which the assessment is made, and this period shall be calculated from the commencement of the quarter succeeding that in which any such amendment shall be so authenticated; and until such date the old assessment shall continue in force, notwithstanding that the period for which the old assessment was made may have expired.

113. The Chairman or Vice-Chairman may at any time amend the assessment book, by inserting therein the name of any person whose name ought to be so inserted, or by inserting any house or land liable to the rate, after giving notice, to any person interested in the making of the amendment, of a day, not being less than fifteen days from the date of the service of such notice, when such amendment is to be made; or by striking out the name of any person or any house or land not liable to the rate, or reducing the amount of the assessment, without notice:

and if any amendment shall be made, in cases where notice is required, the same shall be deemed to have been made on the expiration of fifteen days after service of the said notice; and any person interested in such amendment may appeal by application in writing to the Commissioners, to be left at their office three clear days before the day fixed in the said notice for such amendment; and the provisions of sections one hundred and eight and one hundred and nine, shall, so far as may be practicable, apply to such appeal.

114. It shall not be necessary to prepare a new assessment book at the expiration of each period of six years, but the Commissioners in meeting, other than an ordinary meeting, may adopt the valuation or measurement and assessment contained in any assessment book for any previous period, with such alterations as may in particular cases, be deemed necessary, as the valuation, or measurement and assessment for the period next following;

Provided that sections one hundred and four to one hundred and twelve (inclusive) shall, as far as may be practicable, be applicable to such valuation or measurement and assessment, and to the assessment book or books in which it is contained.

CHAPTER VI

OF LEVYING THE RATES.

115. When any rate is due, the Commissioners shall cause to be presented to the person liable to the payment thereof, a bill for the sum due, which shall also contain a statement of the period, and a description of the property for which the rate is charged.

Provided that whenever any rate is payable by the owner of the land, and the said owner is not the owner of the house situated on the said land, the assessment on the land and on the house shall be separately entered in the said bill.

116. If the bill is not paid by the person liable to pay the same within seven days from the presentation thereof, the Commissioners may cause to be served upon such person a notice of demand, in the form contained in the fourth schedule, or to the like effect; and if he shall not, within seven days from the service of such notice of demand, pay the sum due, or show sufficient cause, to the satisfaction of the Commissioners, for non-payment of the same, such sum, with all costs, may be levied by distress and sale of the moveable property of the defaulter, or if the defaulter be the occupier of any house or land in respect of which a rate is due, by distress and sale of any moveable property found on the house or land, under a warrant in the form contained in the fifth schedule, or to the like effect, to be issued for that purpose by the Commissioners.

For every notice of demand under this section which the Commissioners shall cause to be served upon any person, a fee, not exceeding one rupee, shall be paid by such person.

Such fee shall be added to the amount of the rate in respect of which the notice is given, and, if not duly paid, shall be levied in the same manner as such rate may be levied.

117. The officer charged with the execution of a warrant of distress—notice of distress—shall make an inventory of the moveable property seized under such warrant, and shall at the time give a notice in writing, in the form contained in the sixth schedule, to the person in possession thereof at the time of the seizure, that the said moveable property will be sold as therein mentioned.

118. If the warrant is not in the meantime discharged or suspended by the Commissioners, the moveable property seized shall be sold under the orders of the Commissioners, who shall apply the proceeds, or such part thereof as may be necessary, in discharge of the said arrears and costs; and the surplus, if any, shall be returned, on demand, to the person in possession of the moveable property at the time of the seizure.

All sales of property under this section shall, so far as may be practicable, be regulated by the procedure now in force or hereafter to be in force in the Court of Small Causes with respect to sale after distress.

Fees shall be payable upon distrainments under this Act according to the rates set forth in the Table of Fees in the sixth schedule.

119. The moveable property of any person from whom any rate is due whereof found, may be distrained, may be the same may be found, for default in payment of the money due from him.

120. If the sum due on account of any rate from the owner of any house or land remains unpaid after notice of demand has been duly served, the Commissioners may demand the amount from the occupier for the time being of the house or land, and, on non-payment thereof, may recover the same by distress and sale of any moveable property found on the house or land, and, in such case, the occupier may deduct, from the next and following payments of his rent, the amount which may be so paid by, or recovered from, him.

Provided that no arrear of rate, which has remained due from the owner of any house or land for more than one year, shall be so recovered from the occupier thereof.

121. No distress levied under this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser on account of any irregularity committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them in any court of competent jurisdiction.

122. Instead of proceeding by distress and sale, or in case of failure to realise by distress and sale the whole or any part of the sum due in respect of any rate, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

CHAPTER VII.

OF THE WATER-SUPPLY.

123. The Commissioners shall provide a supply of water within the Town, and shall for that purpose cause such mains and pipes to be laid, and such tanks, reservoirs, or other works to be made and constructed, as shall be necessary for the supply of filtered water in all the chief public streets of the Town, and shall also erect, in all such streets, sufficient and convenient stand-pipes or pumps for the gratuitous use of the inhabitants of the Town for domestic purposes.

The said stand-pipes or pumps shall be so placed that there shall not be any portion of any such chief street at a greater distance than one hundred and fifty yards from some such stand-pipe or pump.

124. A supply of water for domestic purposes shall not include a supply of water for animals, or for washing carriages, where such animals or carriages are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains, or for watering gardens or roads, or for any ornamental or mechanical purpose.

125. The Commissioners shall, between the hours of six in the forenoon and nine in the afternoon, so far as may be reasonably practicable, keep and maintain in their pipes and mains a sufficient supply of filtered water under a pressure of not less than ten feet for the domestic use of the rate-payers, and shall daily, from the hour of seven in the forenoon to nine in the forenoon, and from the hour of five in the afternoon to six in the afternoon, maintain a pressure of water in the service pipes and mains sufficient to raise the water in all houses and places in which the same may be introduced, to a height of not less than fifty feet.

126. The Commissioners may supply water through a meter, for purposes other than domestic purposes, provided that the person requiring such supply make application to the Commissioners in writing, specifying the purpose for which such supply is required and the quantity likely to be consumed. The Commissioners may thereupon, subject to such charges or rates as may have been fixed by the Commissioners in meeting, other than an ordinary meeting, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be fixed by the Commissioners.

127. The occupier of every house shall be entitled to have, free of further charge, fifteen hundred gallons of filtered water for every rupee paid to the Commissioners as Water-rate on account of such house, to be supplied from the service pipes of the Commissioners for domestic use through a ferrule of such size as the Commissioners may determine. If the Commissioners have reason to believe that the occupier of any house consumes more filtered water than he is entitled to as aforesaid, it shall be lawful for the Commissioners to provide a water-meter at their own expense, and attach the same to the water-pipes of the said house; and

any water which may be used over and above the quantity to which the occupier is entitled as aforesaid shall be paid for by him at the rate of one rupee for every fifteen hundred gallons.

Provided that no charge shall be made by the Commissioners for unfiltered water supplied under the next succeeding section.

Nothing contained in this section shall apply to houses assessed at less than twelve hundred rupees per annum.

128. It shall be at the option of the Commissioners to provide filtered or unfiltered water for all latrines and water-closets; and wherever filtered water has been already supplied to such latrines or water-closets, it shall be lawful for the Commissioners at their own expense, and not otherwise, to stop the supply of filtered water, and in lieu thereof to provide unfiltered water for such latrines and water-closets.

129. All latrines and water-closets now supplied, or hereafter to be supplied, with water, filtered or unfiltered, shall be provided with a cistern of such size and description as the Commissioners shall direct; and all such cisterns shall be put up at the cost of the owner of the house or land so supplied with water.

130. Every person paying the Water-rate hereinbefore mentioned shall be entitled to lay down communication-pipes from the service pipes of the Commissioners, for bringing into his house or land a reasonable supply of water for domestic use; provided that the Commissioners shall be at liberty to cut off the supply of water to any house or land during the time the said house or land is unoccupied.

The communication-pipes leading the water from the service pipes of the Commissioners into the house of any rate-payer, and the pipes and works within the house connected therewith, shall be of such character, dimensions, and material as the Commissioners shall fix and approve; and shall be made and constructed at the expense of the person requiring the same.

131. The communication-pipes and all fittings thereon leading water from the service pipes of the Commissioners into any house or land and the pipes, works, and fittings inside the house or land, must in all cases be executed subject to the inspection and to the satisfaction of the Commissioners.

Such communication-pipes, works, and fittings may be made by the servants and workmen of the Commissioners, upon such terms as may be agreed upon between the Commissioners and the person requiring the supply, or subject to such charges as may be fixed by the Commissioners; and the Commissioners may require the amount necessary for the execution of such works to be paid or deposited before such works are executed; and such charges and expenses shall be recoverable in the same manner as the water-rate.

132. The Officer authorized in that behalf by the Commissioners may, between the hours of seven in the forenoon and five in the afternoon, enter into

or on any house or land supplied with water as aforesaid in order to examine all pipes, works, and fittings, connected with the supply of water, and to ascertain if there be any waste or misuse of such water;

and if such Officer at any such time be refused admittance into such house or land for the purposes aforesaid, or be prevented from making such examination as aforesaid, the Commissioners may forthwith turn off the water from such house or land.

Provided that nothing hereinbefore contained shall authorize an entry into any room appropriated for the zenana or residence of women, which by the custom of the country is considered private, unless a notice in writing of not less than four hours be given.

133. In the event of any pipes, works, or

When pipes are out of repair, Commissioners may turn off water fittings connected with the supply of water to any house or land, being at any

time found on examination by any officer of the Commissioners authorized in that behalf to be out of repair to such an extent as to cause any waste of water, the Commissioners may cause the water to be turned off from such house or land, after giving notice in writing of not less than twenty-four hours, and may recover the expense incurred for turning off the water from the occupier of such house or land.

134. If any person supplied with water shall

neglect to pay the Water rate hereinbefore mentioned at any of the times of payment thereof, or the charge made for the said

water when supplied for other than domestic purposes, the Commissioners may turn off the pipe from the house or land in respect of which such rate or charge is payable, by cutting off the pipe to such house or land, or by such means as the Commissioners may think fit, and may recover the expenses of turning off the water from such person;

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he may otherwise have incurred.

135. The occupier of any house or land in which water supplied by the

Commissioners under this Act is, from negligence or other circumstances under the control of the said occupier, wasted, or in whose house or land the pipes, works, and fittings for the

supply of water shall be found to be out of repair to such an extent as to cause any waste of water, shall be liable to a fine not exceeding twenty rupees.

136. Any person causing waste of

water supplied by the Commissioners shall be liable to a fine not exceeding five rupees.

137. It shall be within the discretion of the

Commissioners to allow any person, not residing within the limits of the Town, to take or be supplied with

water for his domestic use on such terms as the Commissioners in meeting, other than an ordinary meeting, may from time to time prescribe. And any person taking or causing to be taken

for use outside the limits of the Town water supplied by the Commissioners without the permission of the Commissioners, shall be liable to a fine not exceeding fifty rupees.

138. It shall not be lawful for any person to execute any work in connection with the laying on of water from any service pipes of the Commissioners to any house or land, unless he shall hold a license from the Commissioners authorising him to act as a plumber under such rules and regulations as the Commissioners may from time to time lay down, and which shall be printed on the back of his license. Any person licensed by the Commissioners as a plumber, who shall infringe or break any rules or regulations under which he holds his license, shall be liable to have his license at once cancelled by the Commissioners; and shall also be liable to a fine not exceeding twenty rupees.

139. Any owner or occupier of any house or land who shall cause or allow works, pipes, or fittings for the supply of water from the service pipes of the Commissioners to be executed by any person other than a plumber licensed by the Commissioners, shall not be entitled to demand a connection with the Commissioners' service pipes.

140. Before a connection for the supply of water from the service pipes of the Commissioners to any house or land is sanctioned by the Commissioners, the Engineer of the Commissioners shall cause all the works, pipes, and fittings within the said house or land to be inspected by a duly qualified officer; and the cost of such inspection shall be payable in advance at such rates as the Commissioners in meeting, other than an ordinary meeting, shall from time to time direct, by the person applying for the said connection; and until the Engineer of the Commissioners shall have certified that the said works, pipes, and fittings have been executed and put up in a satisfactory manner, a connection with the Commissioners' service pipes shall not be permitted.

141. The connection with the service pipes of the Commissioners, as also the laying of supply pipes under any public road or thoroughfare, shall be executed by an officer of the Commissioners authorized in that behalf and by no other person; and the expense of making such connection shall be payable in advance by the person applying for the same, at such rates as the Commissioners in meeting, other than an ordinary meeting, shall from time to time direct.

142. If any licensed plumber shall execute any works or put up any fittings within any house or land for the supply of water from the pipes of the Commissioners in a careless and negligent manner, or make use of bad materials or fittings, the said licensed plumber shall be liable to a fine not exceeding twenty rupees, and

upon a third conviction shall be liable to have his license cancelled at the discretion of the Commissioners.

143. Any person who shall unlawfully flush, draw off, divert, or take water from any water-works belonging to or under the management or control of the said Commissioners, or from any water or streams by which such water works are supplied, shall be liable to a fine not exceeding one hundred rupees.

144. Any occupier holding direct from the owner of any house may, by notice in writing signed by him, require the owner of such house to perform all such necessary works as may be required for bringing into such house a supply of water for domestic use.

Every such notice shall contain an agreement on the part of such occupier to pay interest at the rate of one per cent. per mensem, calculated from the date of the completion of the works, on the cost of such works during the residue of his term of occupation.

Provided that, if the house and the premises belonging thereto shall not abut upon some street in which there is a supply-main, such occupier shall, in the agreement, undertake to pay the cost of connecting the house with the nearest supply-main.

145. If any owner shall not, within the space of three months from the service of such notice as is mentioned in the last preceding section, cause such necessary work as aforesaid to be completed, the occupier, who shall have given such notice, may cause the same to be completed, and may deduct from the rent payable by him the cost of such works, save so much of such cost as may be incurred in connecting with a supply-main any house and premises belonging thereto which may not abut upon a street in which there may be a supply-main; and such deduction shall be made by six equal monthly instalments.

Interest on each such instalment shall be payable to the owner by the occupier at the rate of one per cent. per mensem, from the time when it shall have been so deducted.

146. The supply of water to a house shall not be deemed sufficient for domestic use unless it provides two taps in each floor of such house, one other such tap in the cookroom or of attached to such house, and one other such tap in the premises, or in or near the stables belonging to such house, and the necessary works for such taps.

But if the annual rent of such house, with the land attached thereto, shall be less than three hundred rupees, it shall be sufficient to provide one tap only within the said premises, and the necessary works for the same.

147. No works for introducing a supply of water to any house shall be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such specification and estimate to the owner.

148. In case there shall be any difference between the owner and the occupier respecting the cost of the sufficiency of the proposed works, either the owner or the occupier may refer such difference to the Commissioners, and the written award of the Engineer of the Commissioners, or of any officer authorized by them in that behalf, shall be binding on the owner and the occupier.

149. There shall be payable to the Commissioners in respect of every such reference a fee at the rate of two rupees for every hundred rupees of the monthly rent of the land in respect of the water-supply to which the difference may have arisen: Provided that such fee shall in no case exceed ten rupees, and shall be paid by the person making the reference.

150. Except in the case of a special agreement to the contrary, the owner of any house or land shall bear the expense of keeping all works connected with the supply of water to such house or land in substantial repair. Provided that nothing in this section shall affect the liabilities of parties under leases executed or made previous to the passing of this Act.

151. Any owner to whom any sum is payable under sections one hundred and forty-four and one hundred and forty-five, may recover such sum from the person liable to pay the same as if the same were rent payable by such person for the house in respect of which the expenses have been incurred.

152. All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works, whether made, laid, or erected at the cost of the Commissioners or otherwise, and all bridges, buildings, engines, works, materials, and things connected therewith, or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall become vested in the Commissioners.

153. If any person, being the proprietor of any gas-works,

or being engaged or employed in the manufacture or supply of gas, or being the occupier or owner of any place where an offensive trade or manufacture is carried on,

willfully does any act connected with the said business whereby the water in any stream, tank, reservoir, well, cistern, conduit, aqueduct, or other water-works belonging to the Commissioners is fouled or corrupted, the Commissioners may, after twenty-four hours' notice in writing, lay open and examine any pipes, conduits, and works belonging to such person;

and if, upon such examination, it appears that the water has been fouled or corrupted by anything proceeding from, or contained in, the pipes, conduits, or works examined, the expenses of such examination shall be paid by the person to whose said pipes, conduits, or works belong or under whose management or control they may be;

but if it appear that the water has not been so fouled or corrupted, then such expenses, and all damages occasioned by the examination, shall be paid by the Commissioners.

154. The water-rate and all monies collected, received, or recovered for or in respect of the supply of water or the execution of works, and all fines connected therewith, or in any respect relating to the water-supply, shall be applied by the said Commissioners in defraying the expense of making, extending, or maintaining the said water-works, in paying the interest of money borrowed for the said water-works, and in the liquidation of debts incurred connected therewith, or for some other purpose connected with the supply of water.

CHAPTER VIII.

OF THE POLICE BUDGET.

155. The Commissioner of Police shall, on or before the first day of September in each year, transmit to the Commissioners a Budget or Estimate of the expense of the Police Force for the year commencing on the first day of January then next ensuing.

156. The Police Budget shall show the various heads of the estimated expenditure of the Police Force, and the intended distribution of the Police Force during the year to which it relates.

157. The Chairman shall forthwith, upon the receipt of any such Budget, cause the same to be printed, and a copy thereof, as far as may be practicable, sent by post or otherwise to each of the Commissioners resident within twenty miles of Government House; and shall lay every such Budget before the Commissioners at the next quarterly meeting of the Commissioners, or at a special general meeting.

The Commissioners shall thereupon forward such Budget to the Local Government, with such remarks as to them may seem fit, and it shall be in the discretion of the Local Government to pass, or to reject, or to modify, the estimates of all or any sums entered in the same.

158. If during any period for which a Police Budget shall have been passed and submitted as aforesaid, it shall appear that the amount provided by such Budget is insufficient to defray the necessary expense of the Police Force for such period, the Commissioner of Police may prepare a supplemental Budget for such period, and the provisions of the last three preceding sections shall apply to such supplemental Budget.

159. The amount of the estimates passed shall, after deducting therefrom such amount as may from time to time be allowed by the Government from the General Revenue towards the maintenance of the Police Force, be paid to the Local Government, or to such Officer as the Local Government may from time to time direct, by the Commissioners out of the annual proceeds of the Police rate; and it

shall not be lawful for the Commissioners to expend from the said proceeds any sums for purposes other than those provided in the Budget of the Commissioner of Police and duly sanctioned by the Local Government under section one hundred and fifty-seven.

160. On or before the first day of April in every year, the Commissioner of Police shall present to the Chairman, to be laid before the Commissioners at their next monthly meeting, an account of the expense of the Police Force for the year ending the thirty-first day of December then next preceding, and in case the amount, which shall during such year have been paid to the Local Government under the provisions hereinbefore contained, shall not have been expended in the maintenance of the Police Force, the balance remaining unexpended shall be deemed to have been paid by the Commissioners in or towards discharging the expense of the Police Force during the ensuing year.

CHAPTER IX.

OF THE SYSTEM OF DRAINAGE FOR THE TOWN AND ITS ENVIRONS.

161. The Commissioners may carry out such a complete system of sewerage and drainage within the Town as they may think fit, subject to the approval of the Local Government, and to such alterations as may from time to time be ordered by it.

162. The Local Government may determine what portions, if any, of the environs of the Town shall be included in the said system of sewerage and drainage, and may declare the boundaries thereof in the *Calcutta Gazette*, and for the purposes of the Drainage rate the land within such boundaries as aforesaid shall be deemed to be part of the Town.

CHAPTER X.

OF THE REGISTRATION OF BIRTHS AND DEATHS.

163. The Commissioners shall keep in their office a Register of all births and deaths in the Town, and for this purpose shall divide the Town into such and so many districts as they shall think fit, and for every such district shall appoint a person to be a Registrar of births and deaths within such district; and the Commissioners shall at each burning ghât and native burial-ground appoint a Sub-Registrar for the registration of all corpses brought to such burning ghât or burial ground for cremation or interment.

164. Every Registrar shall dwell within the district of which he is Registrar, and every Sub-Registrar shall dwell in the vicinity of the burning ghât or native burial ground for which he is appointed; and they shall cause their names, with the addition of Registrar for the district, or Sub-Registrar for the burning ghât or native

burial ground for which they shall be so appointed, to be placed in some conspicuous place on or near the outer door of their own dwelling-houses; and the Commissioners shall cause to be printed and published a list containing the name and place of abode of every Registrar and Sub-Registrar in the Town.

165. The Commissioners shall cause to be prepared and printed a sufficient number of Register books for making entries of all births and deaths which may take place in the Town, according to the forms prescribed in the eighth and ninth schedules, and the pages of such book shall be numbered progressively from the beginning to the end.

166. Every Registrar shall inform himself of every birth and of every death which shall happen in his district, and shall ascertain and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered according to the forms in the eighth and ninth schedules respectively, touching every such birth and every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

167. The father or mother of every child born in the Town, or in the case of the death, illness, or absence, or inability of the father and mother, the occupier of the house in which such child shall have been born, shall, within eight days after the day of the birth, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars by this Act required to be known and registered touching the birth of such child.

168. Some one of the persons present at the death, or in attendance during the last illness, of every person dying in the Town, or, in case of the death, illness, inability or default of all such persons, the occupier of the house, or if the occupier be the person who shall have died, some person living in the house in which such death shall have happened, shall forthwith give information to the Registrar of the district, or Sub-Registrar at the burning ghât or burial ground, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person:

Provided that, in lieu of the information hereinbefore stated, in the case of persons dying in any hospital it shall be the duty of the Medical Officer in charge forthwith to send a notice in writing to the Commissioners in the form prescribed in the ninth schedule of the occurrence of any death in the hospital under his charge.

169. Any person whose duty it shall be to give information to a Registrar or Sub-Registrar under the two last preceding sections, who shall refuse or neglect to give such information, or who shall give false information, shall be liable to a fine not exceeding twenty rupees.

170. Every person by whom the information contained in any Register of births or deaths under this Act shall have been given, shall sign in the Register his name, description, and place of abode; and no such registration shall be deemed to be complete or of any effect until such person shall have so signed it.

Provided that the Registrar may fill up and sign the Register for any person who is unable to write:

Provided further that in the case of a person dying in any hospital the registration of the death shall be deemed to be complete on receipt by the Commissioners of the written notice from the Medical Officer in charge of the said hospital prescribed in section one hundred and sixty-eight.

171. It shall not be lawful for any sexton, keeper of a cemetery, burial ground, or burning ghāt to bury, burn, or allow to be buried or burned, any corpse, unless the said corpse is accompanied by a certificate in the form specified in the ninth schedule, and signed by a Registrar or Sub-Registrar appointed under section one hundred and sixty-three, or by a Medical Officer.

172. Whoever buries, burns, or allows to be buried or burnt, a corpse without the certificate mentioned in the last preceding section, shall be liable to a fine not exceeding one hundred rupees.

OF TAKING A CENSUS.

173. At such times and in such manner as the Commissioners may from time to time appoint, an account shall be taken of the number of persons who, at the time of taking such account, shall be within the Town, and the persons employed in taking such account shall set down the several particulars respecting the same which are hereinafter prescribed.

174. The Chairman or Vice-Chairman shall superintend the taking of such account, and shall cause to be prepared and issued, for the use of the persons to be employed, such forms and instructions as he shall, with the sanction of the Local Government, deem necessary; and the expenses thereby incurred shall be paid out of the Municipal Fund.

175. Each Police division of the Town shall be formed into one or more enumeration districts.

176. At such times as shall be appointed under section one hundred and seventy-three, and as shall be notified in the *Calcutta Gazette* by the Local Government, every occupier of a dwelling-house, or of any part of a dwelling-house distinctly occupied, and every person to whom a form, as mentioned in section one hundred and seventy-eight, may have been delivered, shall afford such information in regard to all persons who were abiding in his house, or in the place under his charge, on the night immediately preceding, and in such manner as may under this Act be required of them.

177. The Chairman shall select a sufficient number of competent persons to act as enumerators; and every such enumerator, under the direction of the Chairman, shall visit every house within his district, and, except as hereinafter provided, shall take an account in writing of the name, sex, age, caste, nationality, and occupation of every living person who shall abide therein on the night immediately preceding the day appointed as aforesaid, and shall also take an account of the occupied houses, and the houses then being built and therefore uninhabited, and also of all other uninhabited houses within his district, and in all respects conform to, and obey, the instructions which may be issued to him by the Chairman in this behalf.

Provided that, in the case of females, no account shall be taken either of their name or age.

178. The Chairman, when he deems such a course to be advisable, may cause such a form as shall be sanctioned by the Commissioners in meeting, subject to the approval of the Local Government, to be delivered to any occupier of any dwelling-house who may be able to write, and such occupier shall fill in all the particulars required in the form on the day to be appointed, and shall deliver the same to the person authorized to demand the same.

179. Any military or naval Officers in command of bodies of military or naval men, or of vessels of war, or any master of a merchant vessel, or nacadah, or of a vessel or boat, or any person in charge of a lunatic asylum, hospital, or prison, or of any public or private charitable or scholastic institution, or any keepers of hotels or lodging-houses, shall, if required, act as enumerators for the purpose of taking account of persons under their command or charge, or abiding in their houses, on the night immediately preceding the day to be appointed.

180. Whoever, being required under section one hundred and seventy-eight to fill in any form, or under section one hundred and seventy-seven to act as an enumerator, fails so to do, shall be liable to a fine not exceeding one hundred rupees for every such offence.

Every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the Chairman in that behalf.

181. The Chairman shall obtain, by such ways and means as shall appear to him best adapted for the purpose, and as shall be sanctioned by the Commissioners in meeting, returns of the particulars required by this Act with respect to all houseless persons, and all persons who, during the said night preceding the day to be appointed, were on out-door night duty, or for any other reason were not abiding in any house of which account is to be taken by the enumerators.

182. The enumerators shall fill in all forms for those persons who are unable to write.

CHAPTER XI.

OF CONSERVANCY AND IMPROVEMENT.

PART I.—Of the Streets.

183. All public streets in the Town (not being the property and kept under the control of the Government) and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets shall vest in and belong to the Commissioners.

184. The Commissioners, making due compensation to the owners and occupiers of any houses or land which may be required for any such purposes, may

- (a) lay out and make new streets;
- (b) build and construct new bridges;
- (c) turn, divert, discontinue, or stop up any public street; and
- (d) widen, open, enlarge, or otherwise improve any such street.

For the purposes of this section the Commissioners in meeting may purchase any land necessary for houses and buildings to form any public street, or for the improvement of any public street.

185. The Commissioners shall, so far as the Municipal Fund permits, from time to time cause the public streets to be maintained and repaired, and for such purpose may do all things necessary for the public safety and convenience.

186. The Commissioners shall cause the public streets of the Town to be sufficiently lighted; and the sum applicable annually to the current expenses of lighting the said streets shall be the gross proceeds of the said Lighting-rate and no more; but the Commissioners may expend, out of the Municipal Fund, such further sums as may from time to time be requisite for the purchase, setting up, cleaning and maintenance of lamps, lamp-posts, pipes, and other necessary apparatus.

187. The Commissioners shall cause the public streets to be regularly swept and cleansed; and the dust, dirt, filth, and refuse of every kind whatsoever found thereon to be collected and removed.

188. The Commissioners may cause any number of moveable or fixed dust-boxes or other convenient receptacles, wherein dust, dirt, filth, and refuse, arising from the ordinary domestic use of houses, may be temporarily deposited until removed and carried away, to be provided and placed in proper and convenient situations, and may require the occupiers of houses in public streets to cause all such matter as aforesaid to be deposited daily, or otherwise periodically, in such receptacles and between such hours as they may from time to time direct.

189. Every person who, after such receptacles have been provided, and after such requisition as above mentioned, shall deposit, or cause or permit to be deposited, any such matter in any public street, except in such receptacles, shall be liable to a fine not exceeding ten rupees.

190. Whoever deposits, or suffers to be deposited, any dust, dirt, filth, or refuse of any kind whatsoever, in any public street, or on any public quay, jetty, ghaut, or landing place, or on any part of river bank, whether above or below high-water mark, except in such places, and in such manner, and at such hours, as shall be fixed by the Commissioners, shall be liable to a fine not exceeding ten rupees for every such offence.

191. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter belonging to him or being in his house or land, to run, drain, or be thrown or put upon any street (public or otherwise), or causes or allows any offensive matter from any sewer or privy, to run, drain, or be thrown into, a surface drain in any street (public or otherwise), shall be liable to a fine not exceeding ten rupees for every such offence.

192. The Commissioners so far as the Municipal Fund permits, and so far as they may deem requisite for the public convenience, shall cause the chief public streets to be watered; and for that purpose may provide such works and engines as they may think necessary.

193. Whoever builds any wall, or erects, or sets up any fence, rail, post, or other obstruction or encroachment, in any public street, or in or over any drain, sewer, or aqueduct, after the commencement of this Act, shall be liable to a fine not exceeding one hundred rupees and the Commissioners shall have power to remove any such obstruction or encroachment, as also all walls, fences, rails, posts, or other obstruction or encroachment erected in any public street, or in or over any open drain, sewer, or aqueduct, subsequent to the first of June in the year one thousand eight hundred and sixty-three, and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as hereinafter provided.

Nothing herein contained shall prevent the Commissioners from allowing any temporary erections in any public street on occasions of festivals and ceremonies, or for building purposes.

194. Every person who wishes to make or lay out any new street, shall give notice in writing thereof to the Commissioners, showing the intended level and width of such street; and the level and width of every such street shall be fixed or approved by the Commissioners;

and the Commissioners may, if they think fit, cause any such street laid out or made at a level or width otherwise than in accordance with the level or width so fixed or approved as aforesaid, to be altered;

or may cause any house, situated in any such street, otherwise than in accordance with such level and width, to be altered, or, if necessary removed,

and the expenses thereby incurred shall be paid by the person offending.

If no such level or width be fixed, and no approval or disapproval of the level or width

proposed be signified by the Commissioners within one month from the delivery of the aforesaid notice at the office of the Commissioners, the intended street may be laid out and made upon the level and of the width specified in the notice.

195. Whoever lays out, makes, or builds upon, any such street, otherwise than in accordance with the level and width so fixed or approved, shall be liable to a fine not exceeding five hundred rupees

196. If any street or any part thereof, be not levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioners, they may, by notice in writing to the respective owners or occupiers of the land fronting, adjoining, or abutting upon, such parts thereof as may need to be levelled, paved, metalled, flagged, channelled, and sewered, require them to level, metal, pave, flag, channel, and sewer the same within a time to be specified in such notice; and upon non-compliance, the Commissioners may, if they think fit, execute the works mentioned or referred to therein.

and the expenses thereby incurred shall be paid by the owners in default according to the frontage of their respective lands, and in such proportion as shall be settled by the Commissioners or, in case of dispute, as shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses;

Provided that, after such street shall have been so levelled, paved, metalled, flagged, channelled and sewered, on the requisition of the Commissioners, or by the Commissioners as aforesaid, at the expense of the owners, such owners shall have a right to require that the street shall be declared a public street, to be from time to time repaired by the Commissioners out of the Municipal Fund.

197. If any street be levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioners, they may, if they think fit, and if three-fourths of the owners of houses in such street signify in writing their consent thereto, by notice in writing put up in any part of such street; declare the same to be a public street, and thereupon the same shall become a public street, and be from time to time repaired by them out of the Municipal Fund.

198. The Commissioners in meeting shall, from time to time, cause to be put up or painted on a conspicuous part of some house, wall, or place, at or near each end, corner, or entrance of every public street, the name by which such street is to be known; and whoever destroys, pulls down, or defaces any such name, or puts up any name different from that put up by order of the Commissioners, shall be liable to a fine not exceeding twenty rupees.

199. The Commissioners may, from time to time, fix a number in a conspicuous place on the outer side of any house or at the entrance of the enclosure thereof; and whoever destroys, pulls down, or defaces any such number, shall be liable to a fine not exceeding twenty rupees.

200. All doors, gates, bars, and ground-floor windows (whether hung, or placed before or after the commencement of this Act), which open upon any public street, shall be hung or placed so as not to open outwards and cause obstruction;

and if any such door, gate, bar, or window be hung or placed so as to open outwards on any such public street, the owner of the house or land to which the same is attached shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards; and if he neglects so to do, the Commissioners may make such alteration, and the expenses thereby incurred shall be paid by such owner.

201. The owner of every house in any public street shall, within fifteen days after notice from the Commissioners, put up, and keep in good condition, proper troughs and pipes for catching and carrying the water from the roof and other parts of such house and for discharging the same in such manner as the Commissioners shall direct; and in default of compliance with such notice within the period aforesaid, such owner shall be liable to a fine not exceeding ten rupees for every day that he shall so make default.

202. The Commissioners may give notice in writing to the owner or occupier of any house to remove or alter any projection, encroachment, or obstruction, which, after the commencement of this Act, shall be erected or placed against or in front of such house or which has been so erected or placed subsequent to the first of June in the year one thousand eight hundred and sixty-three, and such owner or occupier shall within fifteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioners and in default thereof shall be liable to a fine not exceeding two hundred rupees; and the Commissioners in such case may remove such projection, encroachment, or obstruction; and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as hereinafter provided.

Provided that, when the expense shall have been paid by the occupier, except in the case in which such projections, encroachments, or obstructions were made or put up by him, such occupier shall be entitled to deduct the expense of removing or altering the same from the rent payable by him to the owner of the house.

203. The Commissioners may cause any such projection, encroachment, or obstruction, erected or placed against or in front of any house in any public street, previous to the first of June in the year one thousand eight hundred and sixty-three, to be removed, or altered as they think fit; provided that they give notice of such intended removal or alteration to the occupier of the house against or in front of which such projection, encroachment,

Removal of existing projections from houses

or obstruction shall be, thirty days before such alteration or removal is begun; and if such projection, encroachment, or obstruction shall have been lawfully made, they shall make

reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the right of any person to compensation when the right thereto is disputed, and the amount thereof, or touching the amount of such compensation when the right thereto is admitted, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses

204. The Commissioners may give permission in writing to the owners or occupiers of houses abutting on any public street or drain or sewer to put up verandahs, balconies, sunshades, weatherframes, and the like, to project from any upper story thereof over any public street, or drain or sewer

205. The external roofs and walls of huts or other buildings erected or renewed within the Town, after the commencement of this Act,

shall not be made of grass, leaves, mats, or other such inflammable materials; and it shall not be lawful for the owner of any hut or other building, in or near any street (public or otherwise), now having an external roof or wall made of any such material, and which is contiguous to or adjoining to any other building, to suffer such roof or wall to remain after the commencement of this Act unless with the consent in writing of the Commissioners,

and whoever makes any external roof or wall of such materials, or suffers any roof or wall made of such materials to continue contrary to the provisions herein contained, and who shall not remove or alter the same within one month after notice given to him for that purpose by the Commissioners, shall be liable to a fine not exceeding ten rupees for every day that such roof or wall shall continue.

206. The Commissioners may give notice to the owner or occupier of any house or land to trim or prune the hedges thereof bordering on any public street to a height not exceeding seven feet;

to cut and trim trees overhanging any public street and obstructing the same or causing damage thereto;

and if such notice is not complied with within three days from the date thereof, the Commissioners may cause such hedges and trees to be cut in the manner required, and the expenses thereby incurred shall be paid by the owner of the house or land.

207. No person shall deposit any building materials, or make a hole in any public street, without the permission of the Commissioners in writing; and when such permission is granted to any person, he shall, at his own expense, cause such materials, or such hole, to be sufficiently fenced and enclosed, until the materials are removed or the hole is filled up and otherwise made secure; and shall cause the same to be sufficiently lighted at night.

208. Whoever deposits materials, or makes a hole, without such permission, or fails to fence or

enclose, and light, such materials or hole, or does not remove such materials, or fill up such hole, when the permission has been withdrawn, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

PART II—Of the Drains.

209. All public sewers and drains, and all sewers, drains, tunnels, and culverts, in, alongside, or under the public streets, whether made at the cost of the Commissioners or otherwise, and all works, materials, and things appertaining thereto, shall become vested in the Commissioners.

210. The Commissioners in making any main or other sewers for the drainage of the Town, may, if necessary, carry such sewers through, across, or under any public street, or any place laid out as, or intended for, a street, or any cellar or vault which may be under any of the public streets, and (after reasonable notice in writing in that behalf) into, through, or under any land whatsoever, making full compensation for any damage done thereby; and if any dispute shall arise with respect to the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

211. The Commissioners shall maintain, and from time to time repair, and as they think fit, enlarge, alter, arch over, or otherwise improve all or any of the sewers and drains vested in them:

and may discontinue, close up, or destroy such of them as they may deem useless or unnecessary.

If by reason of anything done under this section, any person is deprived of the lawful use of any sewer or drain, the Commissioners shall at a place within one hundred feet of the sewer or drain, of the use of which he is deprived, provide the means of drainage into some public sewer, tidal river, or other place into which the Commissioners are empowered to empty their sewers, and thereupon the owner shall make a drain leading thereunto, of such materials, of such size, at such level, and with such fall, as the Commissioners shall direct;

and if he neglect to do so within a reasonable time, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the owner.

212. The Commissioners shall, so far as the Municipal Fund permits, cause the sewers and drains vested in them to be so constructed, maintained, and kept, as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied; and for the purpose of flushing, cleansing, and emptying the same, may construct and place, either above or underground, such reservoirs, sluices, engines, and other necessary works;

and may also, with the sanction of the local Government, cause all or any of such sewers and drains to communicate with, and be emptied into, any tidal river or other fit place, or cause the refuse from such sewers and drains to be conveyed by a proper channel to the most convenient site for its deposit, and may sell the same for any agricultural or other purpose as may be deemed most expedient, but so that the same shall not become a nuisance.

213. When the contents of any sewer or drain, or any other flow of filth or refuse, are discharged into any river or stream, in the bed or channel of which the quantity of water at any season of the year is so much diminished, by natural or artificial causes, as to be insufficient to keep such channel clean or clear, the Commissioners, with the sanction of the Local Government, so far as the Municipal Fund permits, shall make such alteration in the bed of such river or stream as may prevent such sewer and drain-water from spreading over the surface of such bed, or from accumulating and stagnating in parts thereof, to the injury of health or the annoyance of the surrounding population.

214. If any person, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners, the Commissioners may cause such branch drain to be demolished, altered, re-made, or otherwise dealt with as they shall think fit; and the expenses thereby incurred shall be paid by the person making or altering such branch drain.

215. Whoever, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners by this Act, shall be liable to a fine not exceeding two hundred rupees.

216. If any house or land within the Town and within a reasonable distance of a sewer fit for use, or of some tidal river or other place at which the Commissioners are empowered to empty their sewers, be at any time not drained to the satisfaction of the Commissioners by sufficient drains or pipes communicating with some sewer, tidal river, or other place as aforesaid, the Commissioners may, if the owner neglects to do so within fifteen days after notice, construct or lay through or from such house or land, covered drains, or pipes, of such materials, of such size, at such level, and with such fall, as they shall think necessary for the complete draining of such house or land; and the expenses thereby incurred shall be paid by the owner.

217. The Commissioners themselves may construct and lay down such portions of the drains mentioned in sections two hundred and eleven, two hundred and sixteen, two hundred and nineteen, and two hundred

and sixty-four as may be carried through or under any public drain, aqueduct, or street, and the expenses thereby incurred shall be paid by the owner.

218. The Commissioners may cause the works mentioned in the said sections to be supervised while in progress, and from time to time during their execution order such reasonable alterations therein, additions thereto, and abandonment of part or parts thereof, as may to the Commissioners appear, on the fuller knowledge afforded by the opening of the ground, requisite to secure the complete and satisfactory execution of such works as aforesaid.

219. If it appear to the Commissioners that a group or block of houses may be drained or improved more economically or advantageously in combination than separately, and a sewer of sufficient size already exists, or is about to be constructed, within one hundred feet of any part of such group or block of houses, the Commissioners may cause such group or block of houses to be drained and improved by a combined operation;

and the expenses thereby incurred shall be paid by the owners of such houses in such proportions as shall to the Commissioners seem fit.

220. All sewers and drains in streets (public or otherwise), shall be provided by the Commissioners or by the persons to whom they severally belong, with proper traps or other coverings or means of ventilation, so as to prevent stench.

If the owner of any private sewer or drain shall, for ten days after notice given to him by the Commissioners neglect or delay to provide proper traps or coverings or means of ventilation as aforesaid, the Commissioners may forthwith provide and apply the same;

and the expenses thereby incurred shall be paid by the owner.

221. The Commissioners may erect on, or fix to, any house such pipes as they may deem necessary for the proper ventilation of the sewers belonging to them, and such pipes shall be carried to a height of not less than six feet above the highest part of the house, and erected so as not to occasion any nuisance or inconvenience to any house in the neighbourhood.

222. All branch-drains, as well within as without the house or land to which they belong, and all privies and cess-pools within the Town, shall be under the survey and control of the Commissioners and shall be altered, supplied with water, connected with a sewer, repaired, stopped up, demolished, and kept in proper order at the costs and charges of the owner of the house or land to which the same belong, or for the use of which they are constructed or continued;

and if the owner of any house or land to which any such drain, privy, or cess-pool belongs, neglect, during eight days after notice in writing for that purpose, to alter, lay water to, connect with a sewer, repair, stop up, demolish, or put in good

Supervision of certain works

Group or block of houses, &c., may be drained by a combined operation

Sewers in streets to be covered with traps, &c.

Power of Commissioners to erect or add to building pipes for ventilation of sewers

Branch-drains, privies, &c., to be under the control of the Commissioners and to be kept in good order by owners

order the same, in the manner required by the Commissioners, the Commissioners may cause such drain, privy, or cess-pool to be altered, supplied with water, connected with a sewer, repaired, stopped up, demolished, or put in good order, and the expenses thereby incurred shall be paid by the owner.

223. If any branch-drain, privy, or cess-pool be constructed contrary to the directions and regulations of the Commissioners or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners constructs, re-builds, or unstops, any branch-drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, the Commissioners may cause such amendment or alteration to be made in any such drain, privy, or cess pool, as they think fit; and the expenses thereby incurred shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, re-built, or unstopped.

224. Whoever constructs any such drain, privy, or cess-pool, after the commencement of this Act, contrary to the directions and regulations of the Commissioners or contrary to the provisions of this Act, or, without the consent of the Commissioners, constructs, re-builds, or unstops any drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, shall be liable to a fine not exceeding fifty rupees

225. The Commissioners, or any Officer authorized by them in that behalf, may inspect any branch-drain, privy, or cess-pool, and for that purpose, at any time between sunrise and sunset, after one hour's notice in writing to the occupier of the house or land to which such drain, privy, or cess-pool is attached, may enter upon such house or land with such assistants and workmen as are necessary, and cause the ground to be opened where they or he may think fit, doing as little damage as may be;

and if, upon such inspection, it appears that such drain, privy, or cess-pool is not in good order and condition, or that it has been constructed contrary to the provisions of this Act, the expenses of such inspection shall be paid by the person to whom such drain, privy, or cess-pool may belong;

but if the drain, privy, or cess-pool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Commissioners or Officer as aforesaid shall cause the ground to be closed and made good as soon as may be, and the expenses of opening, closing, and making good such drain, privy, or cess-pool, shall in that case be paid by the Commissioners.

Provided that nothing hereinbefore contained shall authorize an entry into any room appropriated for the *senana* or residence of women, which by the custom of the country is considered private, unless a notice in writing of not less than four hours be given.

226. Whoever throws or puts, or permits his servants to throw or put, any earth, dirt, ashes, garden, kitchen, or stable refuse, or any broken glass or earthen-ware, or other rubbish, or, until suitable sewers shall be provided, any night-soil, into any sewer or drain belonging to the Commissioners, or into any drain communicating therewith, shall be liable to a fine not exceeding fifty rupees for every such offence, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

227. No person shall, without the permission of the Commissioners in writing, construct or keep any latrine, urinal, cess-pool, house-drain, or other receptacle for filth, sewage, house-drainage, or other offensive matter, within fifty feet of any public tank, or a tank which the inhabitants of any locality are entitled to use. Any person upon whose land any latrine, urinal, cess-pool, house-drain, or other receptacle so situated shall be now existing or hereafter constructed, shall remove the same within forty-eight hours of the receipt of a written notice from the Commissioners

228. Any person failing to comply with the notice mentioned in the last preceding section shall be liable to a fine not exceeding twenty rupees, and to a further fine, not exceeding three rupees, for every day that the latrine, urinal, cess-pool, house-drain, or other receptacle remains within the limits aforesaid

PART III.—Of General Conservancy

229. The Commissioners, from time to time, may appoint

- (a) the hours within which night-soil or other offensive matter may be removed;
- (b) the kind of cart or other receptacle in which it may be removed;
- (c) the route by which such cart or receptacle shall proceed

230. When the Commissioners have fixed such hours and given public notice thereof, whoever removes or causes to be removed along any street (public or otherwise) any such offensive matter at any time, except within the hours so fixed, and also, whoever

at any time, whether such hours have been fixed by the Commissioners or not, uses for any such purpose any cart, carriage, or other receptacle or vessel, other than that approved and sanctioned by the Commissioners, or slopes or spills any such offensive matter in the removal thereof, or does not carefully sweep and clean every place in which any such offensive matter has been stopped or spilled, or places or sets down in any public place any vessel containing such offensive matter, or drives, or takes, or causes to be driven, or taken, any cart, carriage, receptacle, or vessel used for any such purpose as aforesaid, through any street (public or otherwise), or by any route other than that, from time to time, by public notice appointed for that purpose by the Commissioners, shall be liable to a fine not exceeding twenty rupees for every such offence.

231. The Commissioners shall, from time to time, appoint or provide places for the deposit of dust, dirt, filth, and any other refuse whatsoever collected and removed in accordance with this Act; and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes of this Act.

232. Whoever, being the occupier of any house or land, keeps or suffers to be kept any dirt, dust, filth, or refuse of any kind whatsoever for more than twenty-four hours, otherwise than in a proper receptacle, or suffers such receptacle to be in a filthy or noxious state, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

233. All dirt, dust, filth, and any other refuse whatsoever, collected from the streets (public or otherwise), houses, privies, sewers, and cess-pools shall belong to the Commissioners, who may sell or dispose of the same as they may think proper, and the money arising from the sale thereof shall form part of the Municipal Fund.

234. If any house or land, by reason of abandonment, or of disputed ownership, or other cause, shall remain untenanted, and thereby become a resort of idle and disorderly persons; or become in a filthy or unwholesome state; or be complained of by any two or more of the neighbours as a nuisance, the Commissioners, after due enquiry, may cause notice in writing to be given to the owner, or to the person claiming, or believed to be the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door of the house or some conspicuous part of the land, requiring the persons concerned therein, whoever they may be, to secure, enclose, clean, or clear the same; and if such notice shall not be complied with within eight days the Commissioners shall cause the necessary work to be executed, and the expenses thereby incurred shall be paid by the owner, or, in case of abandonment or disputed ownership, by the sale of any material found upon such house or land, and the provisions of section two hundred and sixty-one shall be applicable to such sales.

235. The Commissioners may provide and maintain in proper and convenient situations, so as not to create a nuisance, common necessities and urinals, and shall cause the same, when provided, to be kept in proper order and to be daily cleansed.

236. The Commissioners may license, for any period not exceeding one year, such necessities for public accommodation, and such tola mehters' depôts as they may, from time to time, think proper; and may at any time, on giving one month's notice, cancel any license granted under this section, if it shall seem proper to them to cancel it.

No person shall carry on the business of a tola mehter without obtaining a license from the Commissioners.

237. Whoever keeps any public necessary, or any tola mehters' depôt without a license, as mentioned in the last preceding section, or having a license, suffers such public necessary or tola mehters' depôt to be in a filthy or noxious state, shall be liable to a fine not exceeding one hundred rupees for every such offence, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence; and whoever shall carry on the business of a tola mehter without obtaining a license from the Commissioners shall be liable to a fine not exceeding twenty rupees.

238. The Commissioners in meeting, other than an ordinary meeting, may, by advertisement in at least two of the daily newspapers published within the Town and by placards posted up in conspicuous places throughout the Town, or any portion thereof, declare that the duties usually performed by tola mehters within the boundaries specified in the aforesaid advertisement shall be performed by an establishment under the control of the Commissioners, and the Commissioners shall make suitable provision accordingly.

When the Commissioners have made such provision, the occupier of any house or land in respect of which such duties are performed shall be liable to pay in respect of the same such fees as may be imposed by the Commissioners in meeting, other than an ordinary meeting; and the said fees shall be recovered from such occupier as a rate under Chapter VI.

239. The owner or occupier of any land having a privy on it shall have such privy shut out by a sufficient roof, and wall or fence, from the view of persons passing by or residing in the neighbourhood; and no person shall keep a privy with a door or trap-door opening on to any street (public or otherwise) or drain.

Every owner or occupier who shall omit to comply with, or shall commit any breach of, any of the provisions of this section, shall be liable to a fine not exceeding ten rupees, and to a further fine, not exceeding five rupees, for each day the offence is continued after he has been convicted of such offence. Provided that the Commissioners may, in their discretion, permit the continuance, for such time as they may fix, of any such privy with a door or trap-door opening on to any street (public or otherwise) where such privy already exists and does not create a nuisance.

240. If the Commissioners think that any privy or additional privy should be provided for any house or land, the owner of such house or land shall, within fourteen days after notice in that behalf by the Commissioners, cause such privy, together with the necessary pipes, drains, and water-supply, to be constructed in accordance with the requisition of such notice; and if such privy be not so constructed to the satisfaction of the Commissioners within such period, the Commissioners may cause such privy, together with the necessary pipes, drains, and water-supply, to be so constructed, and the expenses thereby incurred shall be paid by the owner.

241. No milkman, cartman, shepherd, livery stable-keeper, or keeper of hackney carriages shall keep any animals, sheep, goats, or horned cattle within the Town for the purposes of trade or business except in a place licensed by the Commissioners.

Such license shall be taken out half-yearly, on the first day of January and the first day of July in every year.

It shall be in the discretion of the Commissioners in meeting to grant any such license subject to such conditions as they may think fit, and impose a fee not exceeding five rupees in respect of the same.

242. Whoever, being a milkman, cartman, shepherd, livery stable-keeper, or keeper of hackney carriages, keeps any animals, sheep, goats, or horned cattle without such license, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

243. Whoever, being the holder of a license under section two hundred and forty-one, breaks the conditions of such license, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

244. No person shall keep any pig-stye within the Town to the front of any street (public or otherwise), not being shut out therefrom by a sufficient wall or fence, and no person shall keep within the town, without the permission of the Commissioners, more than ten pigs, or more than twenty sheep or goats.

245. Whoever keeps any pig-stye, pigs, sheep, or goats, contrary to the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

246. When the pavement or surface of any public street, or when any sewer or drain, shall be opened or broken up by the Commissioners, they shall, with all convenient speed, complete the work on account of which the same shall have been broken up, and fill in the ground, and make good the pavement and surface, and the sewer or drain so opened or broken up, and carry away the rubbish occasioned thereby; and shall, in the meantime, cause the place where such pavement or surface shall be so opened or broken up to be fenced and guarded and sufficiently lighted during the night.

247. If the Commissioners deem it necessary for the purposes of this Act to raise, sink, or otherwise alter the situation of any water-pipe or gas-pipe, or other water-works or gas-works, laid in any street, (public or otherwise) they may, from time to time, by notice in writing, require the person to whom

any such pipes or works belong, or under whose control they may be, to cause forthwith, or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position, in such manner as the Commissioners direct.

Such alteration shall not be such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before;

and the expenses attending such raising, sinking, or altering, and full compensation for the damage done thereby, shall be paid by the Commissioners, as well to the persons to whom such pipes or works belong, as to all other persons.

And if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

248. If the person to whom any such pipes or works as are mentioned in the last preceding section belong, or under whose control they may be, do not proceed forthwith, or as soon as conveniently may be after the receipt of the notice mentioned in the last preceding section, to cause the same to be raised, sunk, or altered in such manner as the Commissioners require, the Commissioners may themselves cause such pipes or works to be raised, sunk, or altered, as they may think fit, provided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

249. The Commissioners may, at their discretion, set apart any public ghāt or place (not being private property, or part of the river or river bank of the Port of Calcutta), for the purpose of being used as a bathing place; provide or set apart a sufficient number of convenient tanks, or runs of water, for the inhabitants to bathe in;

and set apart tanks or reservoirs, or runs of water, for washing animals or clothes, or for any other purpose connected with the health, cleanliness, and comfort of the inhabitants.

250. Whoever bathes in any public place, except the places provided or set apart under the last preceding section, shall be liable to a fine not exceeding fifty rupees.

251. When any private tank or low marshy ground, or any waste or stagnant water, being within any private enclosure, appears to the Commissioners to be injurious to health or to be offensive to the neighbourhood, the Commissioners may require, by notice in writing, the owner of the same to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if he shall refuse or neglect to comply with such requisition during one month from the service thereof, the Commissioners, their Officers, and workmen, may enter into the said premises, and do all necessary acts for all or any of the purposes aforesaid as they shall think fit; and the expenses thereby incurred shall be paid by the owner.

252. Whoever, being an owner of land, fails to comply with the requisition mentioned in the last preceding section, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

253. The Commissioners may from time to time, as they shall think fit, drain off into any sewers belonging to them, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure), which shall appear to them to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or otherwise; and the Commissioners, their Officers, and workmen, may do all necessary acts for effecting any of the purposes aforesaid.

254. The Commissioners, in executing any works under this Act, shall provide and make, at their own expense, a sufficient number of convenient ways, water-courses, drains, and channels, in the place of such as may be interrupted, injured, or rendered useless by reason of the execution of such works;

and if any difference arises between the Commissioners and the persons affected thereby, such difference shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

255. The Commissioners shall, during the construction or repair by them of any of the streets, sewers, or drains vested in or belonging to them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining houses; and shall cause such bars, chains, or posts to be fixed across or in any street (public or otherwise), to prevent the passage of carriages, carts, cattle, or animals, while such works are carried on, as to them shall seem proper;

and shall cause any sewer or drain, or other works in streets (public or otherwise), during the construction or repair thereof by them, to be sufficiently lighted and guarded during the night.

256. If any building, tank, well, or hole, or other place be, for want of sufficient repair, protection, or enclosure, dangerous to passengers or to persons living in the neighbourhood, the Commissioners may, by notice in writing, require the owner of the land to repair, protect, or enclose the same; and if he fails to comply with such requisition during eight days from the service thereof, the Commissioners shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom;

and the expenses thereby incurred shall be paid by the owner of the property so repaired, protected, or enclosed.

257. Whoever, being an owner of land, fails to comply with the requisition mentioned in the last preceding section, shall be liable to a fine not exceeding two hundred rupees,

and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

PART IV.—Of Building Regulations.

258. The Commissioners may, upon such terms as they shall think fit, allow any house to be set forward for improving the line of a public street, for improving the line of any public street in which such house is situated.

259. When any house, any part of which projects beyond the regular line of a public street, or beyond the front of the house on either side thereof, has been taken down in order to be re-built or altered, the Commissioners may require the same to be set back to or towards the line of the street or the line of the adjoining houses.

Provided that the Commissioners shall make full compensation to the owner of any such house for any damage he may thereby sustain, and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

260. If any house, or wall, or anything affixed thereon, be deemed by the Commissioners to be in a ruinous state, or likely to fall, or in any way dangerous to the inhabitants of such house or to the neighbouring houses, or to the occupiers thereof, or to passengers, they shall immediately, if it appears to them to be necessary, cause a proper board or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door or other conspicuous part of such house, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, repair, or secure, such house, wall, or thing affixed thereon as the case shall require.

If such owner or occupier do not begin to take down, repair, or secure the same within three days after such notice, and complete such work with due diligence, the Commissioners shall cause all or so much of such house, wall, or thing as they shall think necessary, to be taken down, repaired, or otherwise secured; and the expenses thereby incurred shall be paid by the owner.

261. If any such house, or wall, as is mentioned in the last preceding section, or any part of the same, be taken down as in such section mentioned, the Commissioners may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any surplus arising from such sale to the owner of such house, or wall, on demand.

The Commissioners shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as by this Act are given to them for compelling the payment of the whole of the said expenses.

House over sewers, &c., not to be erected without consent of the Commissioners.

262. No house shall be newly erected over any sewer or drain belonging to the Commissioners without their written consent;

and if any house be so erected, the Commissioners may cause such house to be pulled down or otherwise dealt with as they may think fit; and the expenses thereby incurred shall be paid by the person so erecting the house.

263. No house shall be built within the Town upon a lower level than will allow of the drainage of such house or building being led into some public sewer then existing or projected, or into some tidal river or other place into which the Commissioners are empowered to empty their sewers.

264. If any house newly erected or re-built within the Town have such means of drainage, as in the last preceding section mentioned, existing within one hundred feet thereof, the owner shall make a drain leading thereunto from the site of such house of such materials, of such size, at such level, and with such fall as the Commissioners may direct;

and if he neglect to do so within a reasonable time, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the owner.

265. It shall not be lawful for any person to erect a hut, or any range or block of huts or sheds, or to add any hut or shed to any range or block already existing at the commencement of this Act, without previous notice to the Commissioners, and the Commissioners may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines, of such width as they may think proper for ventilation and to facilitate scavenging, and with such number of privies and with such means of drainage as to them may seem necessary, and at such a level as will admit of such drainage, and with a plinth at least two feet above the level of the nearest public street.

266. If any such huts or sheds be built without giving such notice to the Commissioners, or otherwise than as required by the Commissioners, the Commissioners may give notice to the owner or occupier thereof, by affixing a notice to some conspicuous part of some one of such huts or sheds, to take down and remove the same within one month, or to effect such alterations as they may deem necessary; and it shall be lawful for the Commissioners, if they shall think fit so to do, to cause the same to be taken down and removed, and the expense incurred in doing so shall be paid by the said owner or occupier thereof, and shall be recoverable as hereinafter provided.

267. Whoever erects a hut or any range or block of huts or shed, or adds to any hut or shed, or to any range or block already existing, contrary to the provisions of section two hundred and sixty-five, shall be liable to a fine

not exceeding one hundred rupees for every such offence, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

268. Whenever the Commissioners in meeting, other than an ordinary meeting, are satisfied, from inspection, or by report of competent persons, that any existing block of huts in the Town is, by reason of the manner in which the huts are constructed or crowded together, or of the want of drainage and the impracticability of scavenging, attended with risk of disease to the inhabitants or the neighbourhood, they may cause the locality to be inspected by two medical officers, who shall make a report in writing on the sanitary condition of the said block of huts, and shall specify, if necessary, in the said report the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

269. On receipt of the said report the Commissioners in meeting, other than an ordinary meeting, may cause a notice to be served upon the owners or occupiers of the huts, or at the option of the Commissioners, the owner of the land on which such huts are built, requiring them to carry out and execute, within a reasonable time, to be fixed by the Commissioners for such purpose, all or any of the works specified in the aforesaid report, or any portion thereof respectively.

270. If after the service of the said notice, such owners or occupiers, or the owner of the land, shall refuse or neglect to carry out and execute the said works within the time appointed, the Commissioners may cause all or any of the said works, or any portion thereof respectively, to be executed, and the expenses thereby incurred shall be paid by the owner of the land.

Provided that the Commissioners in meeting, other than an ordinary meeting, may order the expenses so incurred to be recovered by instalments from the said owner, or if it should appear to them that the said owner is unable by reason of poverty to pay the same, may order the same or any portion thereof to be paid out of the Municipal Fund.

271. If any of the said huts be pulled down, the Commissioners shall cause the materials of each hut to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the hut; or if the owner be unknown, or the title disputed, shall be held in deposit by the Commissioners until the person interested therein shall obtain the order of a competent court for the payment of the same.

The Court of Small Causes shall be deemed a competent court for that purpose.

272. In case the Commissioners should omit to take any action under sections two hundred and sixty-eight or two hundred and

sixty-nine, or in the opinion of the Local Government, should fail to give effect to the provisions thereof, the Local Government may cause any block of huts to be inspected by the Sanitary Commissioner for Bengal, who shall make a report in writing to the Local Government on the sanitary condition of the locality and, in the event of his reporting that the sanitary condition of the locality is such as to be attended with risk of disease to the inhabitants or the neighbourhood, shall specify the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

273. On receipt of the said report the Local Government may order the Commissioners to serve notice on the owners or occupiers of the huts, or on the owner of the land on which such huts are built, requiring them to carry out and execute, within a reasonable time, to be fixed by the Local Government for such purpose, all or any of the works specified in the said report, or any portion thereof respectively; and upon service of the said notice the Commissioners may proceed as provided in section two hundred and seventy, and shall be liable to all or any of the obligations imposed upon them by section two hundred and seventy-one.

274. If the Commissioners make default in carrying out the said order of the Local Government, the Local Government may appoint some officer to perform the same, and such officer may exercise such of the powers conferred upon the Commissioners by sections two hundred and sixty-nine and two hundred and seventy, as are necessary for the execution of the said works, and shall be liable to all or any of the obligations imposed upon the Commissioners by section two hundred and seventy-one, and the expenses incurred by such officer in the execution of the said works shall be paid by the owner of the land.

Provided that the Local Government may order the expenses so incurred to be recovered by instalments from the said owner, or if it should appear to the Local Government that the said owner is by reason of poverty unable to pay the same, may order the same or any portion thereof to be paid out of the Municipal Fund.

275. Before beginning, within the Town, to build or re-build any house, the person intending to build or re-build such house shall give to the Commissioners notice thereof in writing, and shall accompany such notice with a plan, showing the levels and width at which the foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Commissioners.

276. Within fourteen days after receiving such notice as is mentioned in the last preceding section, the Commissioners shall signify their approval of the proposed levels and width of foundation, or, if they disapprove thereof, they shall fix other

levels and width of foundation in lieu thereof within the same time.

277. If such building as is mentioned in the two last preceding sections be begun or made without sending such notice and plan as are mentioned in section two hundred and seventy-five, or at any levels different from those fixed by the Commissioners within the said fourteen days, or in any other respect contrary to the provisions of this Act, the Commissioners may, if necessary, cause such building to be altered or demolished as the case may require;

and the expenses thereby incurred shall be paid by the person failing to comply with the provisions aforesaid.

278. If the Commissioners fail to signify in writing their approval or disapproval of the levels and width of foundation shown on such plan as is mentioned in the last preceding section, and to fix other levels and width of foundation within fourteen days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding anything hereinbefore contained, proceed to build or re-build the house therein referred to, according to the levels and width of foundation shown on such plan:

Provided that such building or re-building be otherwise in accordance with this Act.

The word "house" in this and the three last preceding sections does not include a hut.

279. Every person intending to build or take down any house, or to alter or repair the outward part of any house, where any public street will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up, in order to separate the house where such works are being carried on from the street, and shall keep such hoard or fence standing and in good condition, to the satisfaction of the Commissioners, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night.

Provided that no person shall put up a hoard or fence without the written permission of the Commissioners, and shall not keep up the said hoard or fence for a time longer than allowed in the said written permission.

280. Every person, who begins to build; or to take down or alter, or repair any house contrary to the provisions of the last preceding section, or who, without licence, erects or sets up any hoard, scaffolding, or fence, whatsoever, or who, being licensed, fails to put up such fence or hoard, or to continue the same standing, or to maintain the same in good condition, or who does not, while the said hoards or fences are standing, keep the same sufficiently lighted during the night, or who does not remove the same, when directed by the Commissioners, within eight days, shall be liable to a fine not exceeding fifty rupees for every such offence, and a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

CHAPTER XII.

OF SANITARY MATTERS.

PART I.—(Of Slaughter-houses, food, drink, drugs, and offensive trades.)

281. No place shall be used as a slaughter-house within the Town or Suburbs unless a license in writing for the use thereof as a slaughter-house has been obtained from the Commissioners in meeting, other than an ordinary meeting, who may, at their discretion, from time to time, grant such license.

Provided that no such license be granted by the Commissioners for the use of any place situated in the Suburbs as a slaughter-house without the permission in writing of the Municipal Commissioners of the Suburbs except such place has been used as a slaughter-house before the passing of this Act; and provided further that all fees levied by the Commissioners for licenses to use places situated in the Suburbs as slaughter-houses be paid by the Commissioners to the Municipal Commissioners of the Suburbs.

282. The Commissioners in meeting, other than an ordinary meeting, may, from time to time, if they shall think fit, provide places within or without the Town for the purpose of being used as slaughter-houses: and all places within or without the Town heretofore provided by the Commissioners for the purpose of being used as slaughter-houses shall be deemed to have been provided under this section.

Provided that the Commissioners shall annually pay one thousand rupees to the Municipal Commissioners of the Suburbs by way of license fee for the slaughter-house established by the Commissioners at Tenzah.

283. Every owner, or occupier, or farmer, of any place for the sale of meat, poultry, fish, or vegetables, or of any slaughter-house, within the Town, shall cause such drains to be made therein as shall be considered sufficient by the Commissioners and (if required so to do by the Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided, sufficient for keeping such place, shop, or slaughter-house in a clean and wholesome state.

284. If such owner, occupier, or farmer, after notice in writing given to him by the Commissioners that such market or slaughter-house is defective in any of the said particulars, and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a fine not exceeding fifty rupees for every day during which such default is continued.

285. Any Justice of the Peace, on the application of the Commissioners or any of their Officers, setting forth that there is just cause to believe that any article which has been rendered or has become noxious or unfit for use as food or drink for man, is in the possession of any person for the purpose of being sold or offered or

exposed for sale may grant a warrant to enter upon the premises of such person, and to search for and seize such article;

and if it appear to the said Justice of the Peace that the same is noxious or unfit for such use, he shall order it to be forfeited and disposed of in such way as to him shall seem proper.

286. The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall, or place used for the sale of meat, poultry, fish, vegetables, corn, bread, flour, wine, spirits, or other food or drink, or as a slaughter-house, and may examine any of the aforesaid articles of food or drink which may be therein; and in case any of the aforesaid articles of food or drink appear to be intended for the food or drink of man, and to be unfit for such food or drink, may seize the same;

and if it appear to a Justice of the Peace that any of the aforesaid articles of food or drink is unfit for the food or drink of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food.

287. Any Justice of the Peace before whom any person is convicted of an offence contrary to the provisions of this Act relating to slaughter-houses, or of the non-observance of any of the bye-laws relating thereto made under this Act, in addition to the fine which may be imposed on such person under this Act, may suspend, for any period not exceeding two months, the license granted to him under section two hundred and eighty-one;

and the Commissioners, upon the conviction of any person for a second or other subsequent like offence, may cancel his license.

288. Whoever, during the period for which any such license is suspended, or after the same is cancelled as aforesaid, slaughters cattle, or allows cattle to be slaughtered in the slaughter-house to which such license relates, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

289. No place shall be kept for the sale of drugs unless the same shall have been registered in the office of the Commissioners. Any keeper of such place failing to register the same within two months after the commencement of this Act shall be liable to a fine not exceeding fifty rupees.

290. The Commissioners or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any place kept for the sale of drugs, or in which drugs are sold, and if they have reason to suspect that any drug in the said place is adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, may remove the same on giving a receipt, specifying the nature and quantity of the drug removed, and its approximate

value; and if it appear to a Justice of the Peace that the said drug removed as aforesaid is adulterated as aforesaid, he may order the same to be destroyed or to be so disposed of as to him may seem fit; if it shall appear to the

Compensation if drug
be not adulterated.

Justice that the drug so removed is not adulterated as aforesaid, the person from whose shop or place it has been taken shall be entitled to have it restored to him, and it shall be in the discretion of the said Justice to award him such compensation as he may think proper, not exceeding the actual loss which has been sustained.

If the drug removed as aforesaid is not brought before a Justice of the Peace it shall be restored to the person from whose shop or place it was taken, and such person shall be entitled to compensation for any actual loss which he may have sustained by the removal of the said drug, and any dispute which may arise touching the amount of compensation to be given shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

291. The owner or occupier of every place within the Town, used for any of the following purposes, namely—

Certain offensive and
dangerous trades carried
on within the Town to be
registered

- (a) melting tallow;
- (b) boiling offal or blood;
- (c) as a soap-house;
- (d) oil-boiling-house;
- (e) dyeing-house;
- (f) tannery;
- (g) brick, pottery, or lime kiln;
- (h) sago-manufactory;
- (i) manufactory or place of business from which offensive or unwholesome smells arise;
- (j) or as a yard or depot for hay, straw, wood, or coal;

shall register the same at the office of the Commissioners, in a book to be kept by them for that purpose.

292. No place shall be newly used within the

No such trades allowed
without license.

Town for any of the purposes mentioned in the last preceding section except under a license from the Commissioners who may, at their discretion, from time to time, grant such license.

293. Whoever, without a license, uses any such place for such purpose, shall be liable to a fine

Penalty.

not exceeding five hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the said offence is continued after he has been convicted of such offence.

294. If it be shown to the satisfaction of the

Commissioners may, in
certain cases, order the use
of dangerous houses, and
the carrying on of danger-
ous and offensive trades,
to be discontinued.

Commissioners that any place, licensed under section two hundred and eighty-one or two hundred and ninety-two, or registered under section two hundred and ninety-one, is a nuisance to the neighbourhood, they may give notice to the occupier to discontinue the use of such place within one month after the date of such notice.

295. Whoever, after the expiration of such

Penalty.

time, uses such place, or permits it to be used, in such a manner as to be a nuisance to the neighbourhood, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding one hundred rupees, for each day during which the offence is continued after he has been convicted of such offence.

PART II — of Burial and Burning Grounds.

296. The Commissioners may, if they think fit

Burial and burning
grounds to be registered

cause a survey and measurement to be made of every burial and burning ground, and every place used as such; and every burial and burning ground, and every place used as such shall be registered by the owner or the person having the control thereof, or, if there be no owner or person authorized to control the same by order of the Commissioners, in a book to be kept by them for that purpose.

297. Whoever uses any such place as is men-

Penalty.

tioned in the last preceding section without the same being registered, shall be liable to a fine not exceeding one hundred rupees and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence.

298. Whoever knowingly buries or burns, or

Penalty.

causes, procures, or suffers to be buried or burned, any corpse in or on any ground, not registered as a burial or burning ground, shall be liable to a fine not exceeding one hundred rupees.

299. No vault or grave shall be made within

No vault or burial or
burning place hereafter
to be constructed without
leave of the Commissioners.

the walls of, or underneath, any church, chapel, or other place of public worship, and no burial or burning ground, whether public or private, shall be opened, made, or formed, otherwise than by, or under the authority of, the Local Government, without a license, describing the extent and boundaries thereof, first obtained from the Commissioners in meeting, other than an ordinary meeting, who may at their discretion, from time to time, grant such license.

300. Whoever shall bury or burn, or cause

Penalty.

permit, or suffer to be buried or burned, any corpse in any vault, grave, or burial or burning ground, opened, made or formed without such license, or contrary to the terms thereof, shall be liable to a fine not exceeding five hundred rupees.

301. If the Commissioners, in meeting, other

Commissioners to issue
certificates prohibiting the
use of improper burial
and burning places.

than an ordinary meeting, with the sanction of the Local Government, shall certify, in manner hereinafter provided, that any burial ground or place of burial, or that any place used for the burning of corpses, is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof;

or that any church or other place of public worship is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of, or underneath, the same, or in any church-yard or burial ground adjacent thereto;

and shall also certify that a fitting place for interment or burning (as the case may be) exists within a convenient distance and is available, no person shall, after a time (not less than two months) to be named in such certificate, bury or burn, or permit or suffer to be buried or burned any corpse in, upon, within, or under the ground church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate.

Every such certificate shall be published in the *Calcutta Gazette*, and a translation thereof in Bengalee shall, in the case of a burial or burning ground, be affixed conspicuously on some part of the said ground.

302. Whoever, after due publication of such certificate, buries or burns, or causes, permits, or suffers to be buried or burned, any corpse contrary to this enactment, shall be liable to a fine not exceeding two hundred rupees.

303. Notwithstanding any certificate under the last preceding section, where, by usage or otherwise, there is any right of interment in or under any church or chapel, or in any vault of such church or chapel, or of any church-yard, burial ground, or place of burial affected by such certificate, or where any exclusive right of interment, or any exclusive right to ground for the purpose of interment has been purchased or acquired, the Commissioners may, if, on application made to them, they are satisfied that the exercise of such right, or the use of such ground will not be injurious to health, grant a license for such exercise of use, during such time and subject to such conditions and restrictions as they may think fit.

304. The Commissioners in meeting, other than an ordinary meeting, may provide places to be used as burial or burning grounds, with the sanction of the Local Government, provide fitting places to be used as burial or burning grounds.

CHAPTER XIII. OF MARKETS.

305. The Commissioners in meeting, other than an ordinary meeting, may from time to time, if they shall think fit, with the sanction of the Local Government, provide places within the Town for the purpose of being used as Municipal Markets, and the Commissioners may charge such rents, tolls, and fees as to them may seem fit for the use of, or right to expose goods for sale in such markets, and for the use of shops, stalls, and standings therein.

306. All such rents, tolls, and fees, which shall be imposed, shall be recoverable by the Commissioners from the persons liable to pay the same, as if the amounts payable in respect

thereof were rates due to the Commissioners from such persons under the provisions of Chapter VI.

307. It shall be lawful for the Commissioners in meeting, other than an ordinary meeting, from time to time, if they shall think

fit, with the sanction of the Local Government, to acquire land by purchase, lease, or otherwise, in order to provide places within the Town for the purpose of being used as Municipal Markets, and for the like purpose to purchase or take on lease any land now used within such limits as a market, or registered as such, upon such terms, or subject to such conditions as they may consider necessary, and to appropriate any land now vested in or belonging to them, and to set out the whole or such parts thereof as they may think necessary for the purposes of such Municipal Markets, and thereupon from time to time to build and maintain such Municipal Markets and such stalls, sheds, pens, and other buildings or conveniences for the use of the persons frequenting such Municipal Markets, and for the weighing and measuring goods sold in such Municipal Markets, and on such land as aforesaid, or on other land purchased for that purpose, to make and maintain all such roads and approaches thereto as they may think necessary, and from time to time, in addition to the bye-laws provided in Chapter XVI, to make such bye-laws as they may think fit for all or any of the following purposes:—

(a) for regulating the control and use of such markets, and the buildings, stalls, pens, and standings therein, and for preventing nuisances or obstructions therein, or in the immediate approaches thereto.

(b) for preventing the use therein of false or defective weights, scales, or measures.

(c) for preventing the sale, or exposure for sale therein, of unwholesome meat, fish, or provisions.

(d) for the establishment and publication of a price-current, and for prescribing the mode of sale of articles, whether by measure, weight, tale, or piece.

(e) for keeping such markets in a cleanly and proper state, and for removing filth and refuse therefrom.

308. It shall be lawful for the Commissioners to expel from any such Municipal Market any person who, or whose servants, may be convicted of disobeying any such bye-law, and to prevent such person, by himself or his servants, further carrying on any trade or business in such market, or occupying any stall or shop therein, and to determine any lease or tenure which such person may have in any such stall or shop.

309. It shall be lawful for the Commissioners in meeting, other than an ordinary meeting to sell, or to let to tenants on lease or otherwise on such terms as they may think fit, any Municipal Market, or any part thereof, and to do all things necessary for carrying the provisions of this section into effect.

310. It shall be lawful for the Commissioners in meeting, other than an ordinary meeting, to close any Municipal Market, or any part thereof, or to sell, or

to let out to tenants, on lease or otherwise, any land heretofore used as a Municipal Market, or any part thereof, on such terms as they may think fit, and to do all things necessary for carrying the provisions of this section into effect.

311. It shall be lawful for the Commissioners in meeting, other than an ordinary meeting, out of the Municipal Fund and out of the monies borrowed under the provisions of this Act, and out of monies derived from the rents of buildings, stalls, pens, or standings in any Municipal Market, and from any fees realized from any Municipal Market, to expend such sums of money as they may think necessary for the construction, maintenance, and keeping such Municipal Market in repair, and for any other purpose or purposes which the Commissioners may deem necessary for establishing or carrying on the same or conducive thereto.

Power to Commissioners to carry on markets.

312. It shall be within the discretion of the Commissioners in meeting, other than an ordinary meeting, to grant licenses for the use of any place as a market for the sale of meat, fish, fruit, and vegetables within the Town, and every such license shall be in force until the first day of January next ensuing the day therein named for the commencement thereof.

Power to grant licenses for markets.

313. Whoever wilfully or negligently permits any place within the Town to be used as a market for the sale of meat, fish, fruit, or vegetables, without a license under this Act, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the said offence shall be continued after he has been convicted of such offence.

Penalty for permitting unauthorized place to be used as markets.

314. Whenever three convictions under the provisions of the last preceding section shall have been pronounced in respect of the same place within the space of one year, it shall be lawful for any Police Magistrate of Calcutta, on the application of the Commissioners to order such place to be closed, and thereupon to appoint persons, or otherwise take order, to prevent such place being so used; and every person who shall sell or expose for sale meat, fish, fruit, or vegetables in any place which shall have been so closed, shall be liable to a fine not exceeding ten rupees.

Power to close unauthorized place.

315. The Commissioners in meeting, other than an ordinary meeting, may define, fix, and determine what portions of any market or bazar within the Town shall be thrown into, and made part of, the existing approaches, roads, paths, and ways in such market or bazar for the convenient use of persons resorting thereto; and shall signify the same by affixing or causing to be affixed in some conspicuous place or places in the market or bazar a notice signifying the limits and description of the parts of the said market or bazar so to be kept and used as part of the approaches, roads, paths, and ways.

Commissioners may define ways in bazars.

316. The Commissioners in meeting, other than an ordinary meeting, may, by notice in writing to the owner, proprietor, or lessee of any such market or bazar, require him within

Commissioners may require works to be executed.

a time to be specified therein to execute the necessary works and take all necessary measures for the setting out clearing, widening, and maintaining of the said approaches, roads, paths and ways;

and may, in case of such default, by their servants and workmen, enter into and upon the said market or bazar, and clear, set out, and widen the said approaches, roads, paths, and ways, and the expenses thereby incurred shall be paid by the person on whom the notice has been served.

Commissioners may alter approaches.

The Commissioners in meeting, other than an ordinary meeting, may from time to time vary and alter the said approaches, roads, paths, and ways as occasion may require, signifying the same by a like notice.

Penalty.

Whoever shall, after such notification, cause any obstruction or encroachment in or on any such approaches, roads, paths, or ways, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for every day such obstruction or encroachment is continued after notice from the Commissioners to remove or discontinue the same.

316. Whenever any person who shall have been convicted of any offence under this Chapter, or against any of the bye-laws made or to be made under this Chapter in respect to markets, shall again be convicted of an offence against the same provision, the fine to be inflicted for the first of such subsequent offences shall not be less than one moiety of the maximum fine provided for such offence, and for the second and every subsequent offence shall not be less than such maximum fine.

CHAPTER XIV.

OF THE GENERAL POWERS OF THE COMMISSIONERS

PART I.—Of Rights of Entry.

317. The Commissioners shall, for the purposes of this Act, have power, by themselves or their Officers,

Power to enter upon houses and land for the purpose of this Act.

between sunrise and sunset, to enter upon any house or land, as well for the purpose of making any inspection, survey, or measurement, as for the purpose of executing any work authorized by this Act to be executed by them, without being liable to any legal proceedings or molestation whatsoever on account of such entry, or of anything done on such house or land in pursuance of this Act.

Provided that, except as herein otherwise provided, the Commissioners or their Officers shall not enter upon any house or land which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice of their intention to do so.

318. The Commissioners, or their Officers or servants, may enter upon the land of any person adjoining to, or being within the distance of one hundred yards of any works by this Act authorized to be made, for the purpose of depositing upon such land, any soil, gravel, sand, lime, brick, stone, or other materials, or for any other

Power to Commissioners to enter on lands adjacent to works.

purposes connected with the formation of the said works, without making any previous payment, tender, or deposit doing as little damage as may be in the exercise of the several powers hereby granted to them and making compensation for such temporary occupation of, or temporary damage to, the said land to the owner and occupier thereof, from time to time, and as often as any such temporary occupation shall be taken, or such temporary damage done, and making compensation to the owner also for the permanent injury (if any) to such land;

and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Provided that, before the Commissioners make any such temporary use as aforesaid of any land adjoining or lying near to the said works, they shall give three days' notice of such their intention to the owner and occupier of such land, and shall set apart, by sufficient fences, so much of the land as shall be required to be used as aforesaid from the other land adjoining thereto.

319. For the purpose of laying pipes or constructing aqueducts for bringing water into the Town from any place without the limits thereof, or for the purpose of making sewers or drains to communicate with, or empty themselves into, any public sewer, lake, stream, canal, or water-course without the said limits, the Commissioners, their Officers, and servants may, whenever a plan for laying down any such pipes or constructing any such aqueduct, sewer, or drain, shall have been approved by the local Government, exercise, in the laying of such pipes and construction of such aqueduct, sewer, or drain throughout the line of country through which the said pipes, aqueduct, sewer, or drain, are to run, all the powers which by this Act they may exercise within the Town, and which may be necessary for the laying of such pipes, or the construction of such aqueduct, sewer, or drain, without being subject to any action or molestation whatever for so doing;

and the Magistrate of any district through which the said pipes, aqueduct, sewer, or drain, are to run, may exercise, in respect thereof, the like powers and jurisdiction within the limits of his own district as a Justice of the Peace may under this Act exercise in respect of any work to be executed by the Commissioners within the Town.

320. Whoever at any time obstructs or molests any person employed by the Commissioners (not being a public servant within the meaning of section 21 of the Indian Penal Code), or any person with whom they may have contracted under the provisions of this Act, in the performance and execution of their or his duty, or of anything which they are respectively empowered or required to do by virtue of or in consequence of this Act; or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act, shall be liable to a fine not exceeding two hundred rupees, or in the discretion of the Justice of the Peace before whom he is convicted, to imprisonment for any term not exceeding two months.

PART II.—Of the Purchase and Sale of Land.

321. The Commissioners in meeting, other than an ordinary meeting, may purchase, sell, and lease land for the purposes of this Act within or without the Town, for any of the purposes of this Act, and may sell any land vested in them and not required for the purposes of this Act, or may dispose of the same on lease; and the Commissioners may receive the rent of the same on such terms as they may think fit.

322. The Commissioners in meeting, other than an ordinary meeting, may from time to time pay rent for, or take on lease, on such terms as they may think fit, any land required for the purposes of this Act.

323. Any land required for the purposes of this Act may be acquired under the provisions of the Land Acquisition Act, 1870, and on payment by the Commissioners out of the Municipal Fund of the compensation payable under such Act, the land shall vest in them for the purposes of this Act.

PART III.—Of Railways.

324. The Commissioners in meeting, other than an ordinary meeting, may, upon any of the public streets in the Town or upon any land within or without the said Town, which is vested in the Commissioners, construct or maintain any railway which to the Commissioners may appear to be useful or necessary for the purposes of this Act, and use and employ upon any such railway, by them heretofore constructed or hereafter to be constructed, such locomotive engines or other moving power and such carriages and wagons to be drawn or propelled thereby, carry and convey upon such railway all such passengers and goods as shall be offered to them for that purpose,

and make such reasonable charges in respect thereof as they may from time to time determine upon.

325. The Commissioners in meeting, other than an ordinary meeting, from time to time may enter into any contract with any person, for the passage over any railway already constructed by the Commissioners or hereafter to be constructed by them, of the engines, wagons, or other carriages of such person, upon the payment of such tolls or rent and under such conditions and restrictions as may be mutually agreed upon.

326. The Commissioners in meeting, other than an ordinary meeting, may lease any railway constructed or to be constructed by them under the provisions hereinbefore contained to any person upon such terms and under such conditions and restrictions as may be mutually agreed upon, and every person to whom any such railway shall be so leased by the Commissioners shall, subject to such conditions and restrictions as aforesaid, have all such and the same powers of maintaining the same, and for using and employing thereupon locomotive engines and other moving power, and carriages and wagons to be drawn or propelled thereby, and for carrying and conveying thereupon

passengers, and goods, and making charges in respect thereof, as the Commissioners would have had if such railway had not been leased.

The Commissioners in meeting, other than an ordinary meeting, may, from time to time, enter into any contract with any person for the purpose of the construction of any railway within or without the Town, and for the purpose of maintaining and working of the same.

PART IV.—Of Hospitals.

327. The Commissioners may, in meeting, other than an ordinary meeting, apply such sum as to them may seem proper in or towards the maintenance and support of such hospitals for such purposes as they may think fit.

CHAPTER XV.

OF THE MUNICIPAL DEBT.

328. For the construction of works of a permanent nature under this Act, the Commissioners in meeting, other than an ordinary meeting, may, with the sanction of the Local Government, from time to time, borrow by way of debenture on the security of the rates, taxes, and dues imposed and levied on account of the Municipal Fund, or of a portion of them, and at such rate of interest, and upon such terms as to the time of repayment and otherwise as the Local Government may approve, any sums of money the Commissioners may require for the objects aforesaid.

329. All the debentures aforesaid, issued under the authority of this Act shall be in the form contained in the seventh schedule, and shall be transferable by endorsement, and the right to sue in respect of the monies secured by any of such debentures shall be vested in the holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

330. The Commissioners in meeting, other than an ordinary meeting, may at any time, with the sanction of the Local Government, raise, by the issue of new debentures, any money that may be required to pay any monies for the time being due on any debentures issued under the authority of this Act, or of any enactment hereby expressly repealed.

331. The Commissioners shall set aside yearly, out of their annual income, before making any disbursements in respect thereof, a sum of not less than two per cent. on the total sum borrowed by the Commissioners for the purposes of any enactment hereby expressly repealed exclusive of the sum now due, or of any sum which may hereafter become due, by them to the Secretary of State for India in Council, and shall appropriate the same, so far as it is required or will extend, to repay the amount (if any) of such loans or debentures issued by them as shall fall due in the course of the year.

And they shall invest the surplus (if any) of the said sum after repayment as aforesaid, or in case there has not been any amount due or paid

in respect of such loans or debentures during the year, then they shall invest the whole of the said sum in Government securities, or in any securities guaranteed by Government, or in Calcutta municipal debentures, in the names of the Secretary to the Government of Bengal in the Revenue Department and the Accountant-General of Bengal respectively for the time being, to be by them held as Trustees for the purpose of repaying at due date from time to time the several loans contracted or debentures issued by the Commissioners.

And all moneys and securities now held by any Trustees for the Commissioners for the purpose of paying off any sum borrowed by them, shall be held by them upon the trusts hereinbefore declared.

All interest accruing due to the Trustees shall also from time to time be invested by them in like manner and held upon the like trust.

332. The Trustees shall from time to time, whenever any loans or debentures shall fall due by the Commissioners realize the whole or a sufficient portion of the securities held by them as aforesaid, and appropriate the sale proceeds thereof, so far as the same will extend, to satisfy such loans or debentures.

333. The Trustees shall, at the end of every year, submit a statement to the Commissioners, showing the amount which has been invested during the year under section three hundred and thirty-one, and setting forth the date of the last investment made previous thereto, and also the aggregate amount of the securities then in their hands, and the aggregate amount which has up to the date thereof been paid off in respect of the said debentures and loans.

Such statement shall be laid before the Commissioners and published in the *Calcutta Gazette*.

CHAPTER XVI.

OF BYE-LAWS.

334. The Commissioners may from time to time make bye-laws, not inconsistent with the provisions of this Act, to regulate—

- (a) all matters and things connected with the supply and use of water;
- (b) the time and places of bathing for persons of each sex in places provided or set apart for bathing purposes;
- (c) the deposit of dirt, dust, filth, and refuse of any kind whatsoever, for removing and carrying away the same, and for charging the person making the deposit with the expenses of removing it;
- (d) the duties to be performed by tollah-mohlers under section two hundred and thirty-eight, and the boundaries within which they are to be performed;
- (e) the management and charges for places provided for slaughter-houses under section two hundred and eighty-two;
- (f) the inspection and management of and conduct of business in markets and slaughter-houses, and for keeping the same in a proper and cleanly state;

- (g) the inspection of places used for any of the purposes mentioned in section two hundred and ninety-one, and for the management and conduct of business within the same;
- (h) the inspection and management of burial and burning grounds;
- (i) and generally for carrying out the purposes of this Act.

335. The Commissioners may from time to time repeal, alter, or add to their bye-laws.

336. No bye-law, and no repeal or alteration of, or addition to, any bye-law shall have effect until the same has been confirmed by the Local Government.

337. No bye-law, and no repeal or alteration of, or addition to, any bye-law shall be confirmed until the same has been published in the English and Bengalee Government Gazettes at least three times, nor till one month has elapsed from the date of the first publication, during which period a copy of such proposed bye-law, or the repeal or alteration of, or addition to, any bye-law shall be kept at the office of the Commissioners; and all persons may at any time between ten o'clock in the morning and five o'clock in the afternoon inspect such copy without fee.

338. Every bye-law, and every repeal or alteration of, or addition to, any bye-law, when confirmed, shall be published in the English and Bengalee Government Gazettes, and a copy thereof in English and Bengalee shall be painted or placed on boards, which shall be hung up in some conspicuous part of the office of the Commissioners.

339. Whoever infringes any bye-law made and confirmed under this Act shall be liable to a fine not exceeding twenty rupees, and to a further fine, not exceeding ten rupees, or each day during which the offence is continued after he has been convicted of such offence.

CHAPTER XVII.

OF PROSECUTIONS

340. The Commissioners may direct any prosecution for any public nuisance whatsoever, and may order proceedings to be taken for the punishment of any person offending against any of the provisions of this Act, and for the recovery of any fines imposed under this Act, and may order the expenses of such prosecutions and proceedings to be paid out of the Municipal Fund.

Provided that nothing herein contained shall preclude any person from instituting a prosecution for nuisance, or from giving information and instituting a prosecution under the next succeeding section.

341. Every prosecution under this Act, except as provided in section three hundred and forty-three, may be instituted before any Justice of the Peace;

and every fine imposed under this Act may be recovered by a summary proceeding before any Justice of the Peace upon an information exhibited by order of the Commissioners, and in default of payment of such fine, the same may be levied under the warrant of such Justice of the Peace by distress and sale of the moveable property of the offender, with all such powers for the issuing of such warrant, and upon the return thereof, as are exercised by a Magistrate of Police under the Calcutta Police Act, 1866, or any other Act for the time being in force for regulating the Police of the Town of Calcutta.

And if the fine cannot be so levied, the offender may be punished by such Justice of the Peace with rigorous or simple imprisonment, as defined in section 53 of the Indian Penal Code, for a term not exceeding two months.

342. Whenever any prosecution shall be instituted before any Justice of the Peace under this Act, he may summon the person charged to appear at a time and place to be mentioned in the summons; and if such person shall not so appear, such Justice of the Peace may, upon proof of service of the summons, if no sufficient cause shall be shown for the non-appearance of the person charged, proceed to hear and determine the case in his absence.

Such Justice of the Peace may exercise all such powers connected with the summoning, and enforcement of the attendance, of witnesses, and the production of documents, as are conferred on a Magistrate by the Calcutta Police Act, 1866, or any other Act for the time being in force for regulating the procedure of the Police Magistrates' Courts.

343. Every prosecution under section thirty-four shall be instituted before such Magistrate or Court as would have jurisdiction to entertain a charge of the nature described in section 161 of the Indian Penal Code.

344. The Justice of the Peace by whom any fine is imposed under this Act, may award any portion, not being more than one-half thereof, to the informer, and shall order the remainder, or, if he make no award to the informer, the whole of such fine, to be paid to the Municipal Fund.

345. No person shall be liable to any fine under this Act for any offence cognizable by a Justice of the Peace unless the complaint respecting such offence shall have been made before a Justice of the Peace, within two months next after the commission of such offence.

Provided that the failure to take out any license under this Act shall be deemed to be a continuing offence until the expiration of the period for which such license is required to be taken out.

346. If through any act, neglect, or default on account whereof any person shall have been fined under this Act, any damage to the property of the Commissioners shall have been committed by such person, he shall be liable to make good such damage as well as to pay such fine;

and the amount of such damage shall, in case of dispute, be determined by the Justice of the Peace by whom such person has been fined;

and on default of payment of the amount of such damage on demand, the same may be levied in the same manner as a fine.

CHAPTER XVIII.

OF THE RECOVERY OF DAMAGES AND EXPENSES.

347. Where any damages, costs, or expenses, are by this Act directed to be paid, the amount and, if necessary, the apportionment of the same, in case of dispute, shall be ascertained and determined by the Court of Small Causes.

Provided that when any work is executed by the Commissioners under this Act in default of the owner or occupier of the house or land doing such work, the expenses thereby incurred may be recovered by the Commissioners as a rate under Chapter VI.

348. In any case which is to be determined by the Court of Small Causes under this Act, the said Court may, on the application of either party, summon the other party to appear at a time and place to be named in such summons.

Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, the said Court may hear and determine such question, and, for that purpose, may examine such parties or any of them, and their witnesses, on oath; and the costs of every such inquiry shall be in the discretion of the said Court, which shall determine the amount thereof.

349. If the amount of damages, costs, or expenses, ascertained in the manner above described, be not paid by the party liable to pay the same within seven days after demand, such amount may be recovered, under a warrant of the said Court, by distress and sale of the movable property of such party; and the surplus arising from the sale thereof, after satisfying such amount and the costs of the distress and sale, shall be returned on demand to the party whose property shall have been distrained.

350. Instead of proceeding by distress and sale, and in case of failure to realize by distress the whole or any part of any expenses, charges, or damages awarded under the provisions of this Act, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

CHAPTER XIX.

MISCELLANEOUS.

351. No suit shall be brought against the Commissioners, or any of their officers, or any person acting under their direction, for any thing done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the Office of the Commissioners, or at the place of abode of such person, stating the cause of suit, and the name and place of abode of the intending plaintiff.

Unless such notice be proved, the Court shall find for the defendant.

Every such suit shall be commenced within three months next after accrual of the right to sue, and not afterwards.

If any person to whom any such notice of suit is given shall, before the suit is brought, tender sufficient amounts to the plaintiff such plaintiff shall not recover in any such action when brought; and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

352. The Commissioners may make compensation out of the Municipal Fund for damages done by the Commission-ers to any person sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, their officers, or servants under this Act.

353. When any license is granted under section two hundred and thirty-six or two hundred and eighty-one authorizing the use of any place for any of the purposes therein described, and when permission is given under section two hundred and four for putting up any projection, the Commissioners may charge a fee not exceeding one hundred rupees for such license or permission.

When permission is given under section one hundred and ninety-three to make any temporary erection, the Commissioners may charge a daily fee not exceeding one hundred rupees for such permission.

354. When permission is given under section two hundred and seven or section two hundred and seventy-nine, the Commissioners may charge rent for any land made use of in pursuance of such permission.

355. Every person to whom a license has been granted under this Act shall, at all reasonable times while such license shall remain in force, if thereunto required by the Commissioners, or by any person authorized by them in that behalf, produce such license to the Commissioners or to the person so authorized.

356. Whoever fails to produce his license when required to do so as aforesaid, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

357. Every notice, bill, form, summons, or notice of demand under this Act may be served personally on or presented to the person to whom the same is addressed,

or be left at his usual place of abode with some adult male member or servant of his family, or at his place of business with some clerk of the office, or if it cannot be so served or presented, may be put on some conspicuous part of his place of abode, or of his place of business,

or of the house or land in respect of which the notice, bill, form, summons, or notice of demand is intended to be served.

358. Where any notice is required to be given to the owner or occupier of any house or land, such notice addressed to the owner or occupier, as the case may require, may be served on the occupier of such house or land, or otherwise in the manner in the last preceding section mentioned.

Provided that when the owner and his place of abode are known to the Commissioners they shall, if such place of abode be within the limits of their authority, cause every notice required to be given to the owner of any house or land to be served on such owner or left with some adult male member or servant of his family,

and if the place of abode, of the owner be not within such limits, they shall send every such notice by post in a registered cover addressed to his place of abode, and the same shall be deemed to be good service of the notice.

When the name of the owner or occupier is not known, it shall be sufficient to designate him as "the owner" or "the occupier" of the house or land in respect of which the notice is served.

359. Whenever any work is required by this Act to be executed by the owner or occupier of any house or land, and default is made in the execution of such work, the Commissioners whether any penalty is or is not provided for such default, may cause such work to be executed;

and the expenses thereby incurred shall be paid by the person by whom such work ought to have been executed and in default of payment thereof the same may be recovered as a rate under Chapter VI.

360. If the defaulter, as mentioned in the last preceding section, be the owner of any house or land, the Commissioners may, by way of additional remedy, whether any suit or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being, from the person who then, or at any time thereafter, occupies the house or land under such owner, and in default of payment thereof by such occupier on demand, the same may be recovered as a rate under Chapter VI;

and every such occupier shall be entitled to deduct, from the rent payable by him to the owner, so much as is so paid by, or recovered from, him in respect of any such expenses.

361. No occupier of any house or land shall be liable to pay more money, in respect of any expenses charged by this Act on the owner thereof, than the amount of rent due from him, for the house or land in respect of which such expenses are payable, at the time of the demand made upon him, or which at any time after such demand has accrued and become payable by him, unless he neglect or refuse, upon a requisition made to him for that purpose by the Commissioners truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable;

but nothing in this section shall affect any special contract made between any such owner or occupier, respecting the payment of the expenses of any such works as aforesaid.

362. Whenever default is made by the owner of any house or land, in the execution of any work required to be executed by him, the occupier of such house or land may, with the approval of the Commissioners, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

363. If the occupier of any house or land prevent the owner thereof from carrying into effect, in respect of such house or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, any Justice of the Peace may, in writing, require such occupier to permit the owner to execute all such works, with respect to such house or land, as may be necessary for carrying this Act into effect;

and if after the expiration of eight days from the date of the order such occupier continue to refuse to permit such owner to execute such works, every such owner, during the continuance of the refusal, shall be discharged from liability to any fines to which he might otherwise have become liable by reason of default in executing such works.

364. Whoever, being the occupier of any house or land, fails to comply with any requisition made by a Commissioners under the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

365. No tax or rate on property made under this Act shall be invalid for defect of form, and it shall be enough in any such tax or rate, or any assessment of value for the purpose of making such tax or rate, if the property rated or assessed is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

366. Whenever the Commissioners shall have incurred any expenses in the execution of any of the works which under sections one hundred and ninety-four, two hundred and sixty-two, two hundred and sixty-four, two hundred and sixty-six, two hundred and seventy, and two hundred and seventy-three, the owners of any houses or lands are required to execute, the Commissioners may either recover the amount of such expenses in the manner therein provided, or if they think fit, may take engagements from the said owners, for the quarterly payment of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of six per cent. per annum, within a period not exceeding five years, and such sums, when due, may be recovered as rates under Chapter VI.

367. All Police Officers shall give immediate information to the Commissioners of any offences committed against this Act.

Any Police Officer may arrest any person committing in his view any offence against this Act, if the name and address of such person be unknown to him,

or if such person decline to give his name and address,

or if the Police Officer shall have reason to doubt the accuracy of such name and address, if given.

And such person may be detained at the Station House until his name and address shall be correctly ascertained, or may be brought up at once before a Justice of the Peace.

368. If the Local Government shall have determined that any portion of the environs of the Town shall be included in the system of sewerage and drainage authorized by this Act, and if the Local Government shall have declared the boundaries thereof by notification in the *Calcutta Gazette*, then sections two hundred and nine to two hundred and twenty-eight, both inclusive, shall have effect within the boundaries so declared;

and all such expenses and compensation as, under the said sections and by the provisions of this Act, may be determined by the Court of Small Causes, may be ascertained and determined by any Court of Small Causes having jurisdiction within such boundaries; and all fines payable in respect of such sections, and under this Act, shall be enforced in the manner prescribed by section 307 of the Code of Criminal Procedure by the Magistrate having jurisdiction within such boundaries.

369 Houses used exclusively for purposes of public worship shall be exempt from all rates and taxes which under this Act may be imposed upon houses and land within the Town

370. Nothing in this Act contained shall be construed to

(a) render lawful any act or omission on the part of any person, which, but for this Act, would by law be deemed to be a nuisance.

(b) exempt any person guilty of nuisance from a suit in respect thereof;

(c) affect any enactment not hereby expressly repealed.

FIRST SCHEDULE.

BOUNDARIES OF WARDS.

(See Section 10.)

Ward No. 1.—Bounded on the north and east by Upper Circular Road and Mahatma Ditch; south by Grey Street; west by Upper Chitpore Road.

Ward No. 2.—Bounded on the north by the Mahatma Ditch; west by river Hooghly; south by Nimtollah Ghât Street; east by Upper Chitpore Road.

Ward No. 3.—Bounded on the north by Grey Street and the Mahatma Ditch; south by Beadon Street and Halebi Bagan Road; west by Upper Chitpore Road; east by Mahatma Ditch.

Ward No. 4.—Bounded on the north by Beadon Street; south by Machooa Bazar Road; east by Upper Circular Road and Mahatma Ditch; west by Cornwallis Street.

Ward No. 5.—Bounded on the north by Nimtollah Ghât Street; south by Cotton Street and Meerboher Ghât Street; east by Upper Chitpore Road; west by river Hooghly.

Ward No. 6.—Bounded on the north by Beadon Street; south by Machooa Bazar Road; east by Cornwallis Street; west by Upper Chitpore Road.

Ward No. 7.—Bounded on the north by Cotton Street and Meerboher Ghât Street; south by Loll Bazar Street, Dalhousie Square North, and Fairlie Place; east by Lower Chitpore Road; west by river Hooghly.

Ward No. 8.—Bounded on the north by Machooa Bazar Road; south by Bow Bazar Street; east by College Street; west by Lower Chitpore Road.

Ward No. 9.—Bounded on the north by Machooa Bazar Road; south by Bow Bazar Street; east by Upper Circular Road; west by College Street.

Ward No. 10.—Bounded on the north by Bow Bazar Street; south by Dhurumtollah Street; east by Wellington Street; west by Bentinck Street.

Ward No. 11.—Bounded on the north by Bow Bazar Street; south by Dhurumtollah Street; east by Lower Circular Road; west by Wellington Street.

Ward No. 12.—Bounded on the north by Loll Bazar Street, Dalhousie Square, and Fairlie Place; south by Esplanade Row; east by Bentinck Street, and so much of Clive Street as runs from north-west corner of Dalhousie Square to Fairlie Place; west by river Hooghly.

Ward No. 13.—Bounded on the north by Dhurumtollah Street; south by Kyd Street, Free School Street, and South Cullinga Street; east by Wellesley Street; west by Chowringhee Road.

Ward No. 14.—Bounded on the north by Dhurumtollah Street; south by South Cullinga Street; east by Lower Circular Road; west by Wellesley Street.

Ward No. 15.—Bounded on the north by South Cullinga Street; south by Theatre Road; east by Lower Circular Road; west by Wellesley Street and Wood Street.

Ward No. 16.—Bounded on the north by Kyd Street and South Cullinga Street; south by Theatre Road; east by Wellesley Street and Wood Street; west by Chowringhee Road.

Ward No. 17.—Bounded on the north by Theatre Road; south by Lower Circular Road; east by Lower Circular Road; west by Jail Road.

Ward No. 18.—Bounded on the north by Clyde Row; south by Tolly's Nullah Road; east by Kidderpore Bridge Road; west by Strand Road.

SECOND SCHEDULE.

(See section 59.)

TAX ON CARRIAGES AND ANIMALS.

	Per half-year		
	Rs	A	P.
For every four-wheel carriage drawn by two horses ...	12	0	0
If more than one such carriage, then for every such carriage after the first, two-thirds of the above rate			
For every four-wheel carriage drawn by one horse, or pony, or mule, or a pair of ponies or mules under thirteen hands	6	0	0
If more than one such carriage, then for every such carriage after the first, two-thirds of the above rate.			
For every two-wheel carriage ..	6	0	0
For every horse (not a race horse), pony, or mule ..	6	0	0
For every race horse ..	12	0	0
For every pony or mule under thirteen hands ..	2	0	0

NOTE.—Animals under eleven hands in height and carriages the wheels of which do not exceed twenty-four inches in diameter, are exempted.

THIRD SCHEDULE.

(See section 59.)

LICENSE ON PROFESSIONS, TRADES, AND CALLINGS.

Class I.

	Yearly
	Rs
Every Joint Stock Company ...	100

Class II.

Every merchant, banker, shroff, banian, wholesale trader, and commission agent, and every practising surgeon, physician, dentist, architect, civil engineer, builder, contractor, carrying company, barrister, attorney, proctor, notary public and pleader of the High Court.

Every owner or farmer of a hant or bazar ...

Every owner of cotton, jute, hide, or other screws, and every auctioneer ...

Every hotel-keeper, boarding-house keeper, lodging-house keeper, shop-keeper, plumber, gas-fitter, manufacturer, or retail trader, whose shop or place of business is assessed under Chapter V at one hundred rupees a month or upwards ...

Class III.

Every broker or daloll employed in the wholesale transfer or purchase of imports or exports, country produce, silk, or other merchandize ...

Every broker or dealer in precious stones, houses, landed property, Government securities, shares, and bills of exchange, and every freight broker ...

Class III—(Continued.)

Yearly.
Rs.

Every practising licentiate of medicine, apothecary, and veterinary surgeon ...

Every owner of a dispensary, spirit or liquor shop, or shop for the sale of intoxicating drugs, and punch house, or billiard room, wholesale tobacco or jute depot ...

Every owner of a steam ferry boat or cargo boat ...

Every hotel-keeper, boarding-house keeper, lodging-house keeper, plumber, gas-fitter, carriage and horse-dealer, shop-keeper, manufacturer, or trader, whose shop or place of business is assessed under Chapter V at or above twenty-five rupees, but at less than one hundred rupees a month ...

Every pawn-broker, money-lender, and every person having a shop or place of business registered under section two hundred and ninety-one or licensed under section two hundred and ninety-two ...

Every pleader, mookhtear, or law agent, not included in Class II ...

Class IV.

Every hotel keeper, boarding and lodging house-keeper, owner of a carriage or palanquin let out for hire, plumber, gas-fitter, band supplier, carrier, stamp vendor, carriage or horse-dealer, shop-keeper, manufacturer, or trader, whose shop or place of business is assessed under Chapter V at or above ten rupees but at less than twenty-five rupees a month ...

Every keeper of a permanent stall at a daily public market or in a chowk ...

Every poddar or money changer ...

Every hakeem, kobera, and practising native doctor ...

Every order supplier, coolie supplier, shipping agent, or boat supplier ...

Class V.

Every keeper of a shop not included in any other Class, and every daloll not included in Class III ...

Every pedlar, hawk, boxwallah, and midwife ...

Class VI.

All itinerant dealers hawking goods for sale in baskets or trays ...

NOTE.—A person who carries on several kinds of business, and may come under more than one of the designations in this schedule, shall be chargeable only under one of such designations, at the discretion of the Commissioner, and in the case of a firm consisting of two or more persons, payment by any one of such persons shall be considered payment by the firm.

FOURTH SCHEDULE.

(See section 116.)

NOTICE OF DEMAND.

TAKE notice that the Commissioners of the Town of Calcutta demand from you the sum of _____ due from* [you] as owner (or occupier) (here describe the property or thing upon which the rate or tax is imposed) for the months of 187 ; and that, if the sum due, together with

for this notice, is not paid into the office of the said Commissioners at _____

or if sufficient cause for the non-payment of the sum is not shown to the Commissioners within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

(L.S.)

(Signature of the Chairman,
Vice-Chairman, or Secretary.)

Date _____

* In the case of a demand under section one hundred and three state that notice of demand has been served upon the owner, and that the sum due remains unpaid.

FIFTH SCHEDULE

(See section 116.)

DISTRESS WARRANT.

To (here insert the name of the Officer charged with the execution of the warrant.)

WHEREAS _____ of _____ has not paid or shown sufficient cause for the non-payment of the sum of _____ rupees due for the rates (or taxes) (or taxes and rates) mentioned in the margin for the months of 187 although the said sum has been duly demanded in writing from the said _____

and seven days have elapsed since the service of the notice of demand: This is to command you to distrain the moveable property of the said _____

(or as the case may be any moveable property found on the premises referred to) to the amount of the said sum of _____ rupees, and such further sum as may be sufficient to defray the charges of taking keeping, and selling such distress: and if, within seven days next after such distress, the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said moveable property; and having paid and deducted out of the proceeds of the sale, the said sum of _____ rupees and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said moveable property. If sufficient distress cannot be found of the moveable property of the said _____, you are to certify the same to us together with this Warrant.

(Signature of the Chairman,
Vice-Chairman, or Secretary.)

SIXTH SCHEDULE.

(See section 117.)

FORM OF INVENTORY AND NOTICE.

(State particulars of goods seized.)

TAKE notice that I have this day seized the moveable property specified in the above Inventory for the sum of _____ rupees due for the rates (or taxes) mentioned in the margin, for the months of 187 ; and that unless you pay into the Office of the Commissioners of the Town of Calcutta the amount due, together with the costs of this distress within seven days from the day of the date of this notice, the said property will be sold.

(Signature of the Officer executing

the Warrant of Distress.)

Date _____

TABLE OF FEES PAYABLE IN DISTRAINTS

(See section 118.)

Sum distrained for	Fee.	
	Rs.	As.
Under 5 Rupees	0	4
5 and under 10 Rupees	0	8
10 " 15 "	1	0
15 " 20 "	1	8
20 " 30 "	2	0
30 " 40 "	3	0
40 " 50 "	4	0
50 " 60 "	5	0
60 " 70 "	6	0
70 " 80 "	7	0
80 " 90 "	8	0
90 " 100 "	9	0
Above 100 "	10	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each man.

SEVENTH SCHEDULE.

(See section 329.)

FORM OF DEBENTURE

THE Commissioners for the Town of Calcutta.

Calcutta, the 187

No _____

By virtue of the Calcutta Municipal Consolidation Act, 1876, we, the Commissioners of the Town of Calcutta incorporated under the said Act, in consideration of the sum of _____ rupees paid to us by A. B. of _____ promise to pay to the said _____ or order the said sum of _____ rupees after the date hereof, together with interest thereon at the rate of _____ per centum per annum, payable half-yearly, on the _____ day of _____ and the _____ day of _____

(Signature of the Chairman or Vice-Chairman, and two Commissioners.)

TENTH SCHEDULE.—(See section 2)

ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year	Subject.	Extent of repeal
VI of 1863	Calcutta Municipal Affairs	So much as has not been repealed
Sec 40 of III of 1864.	District Municipal Improvement	So far as the same applies to Suburbs and Howrah.
VII of 1865	Slaughter-houses	So far as the same applies to Suburbs.
IX of 1865	Amendment of Bengal Act VI of 1863	The whole Act
VI of 1866	Further amendment of Bengal Act VI of 1863	So much as has not been repealed
I of 1867	Explanation of Bengal Act VI of 1863	The whole Act
IX of 1867	Amendment of Bengal Acts VI of 1863 and VI of 1866	So much as has not been repealed.
XI of 1867	Pauper Hospital and Calcutta Police	The whole Act
V of 1868	Subjecting a portion of Hastings to the Calcutta Municipal Acts	The whole Act.
I of 1870	Calcutta Water-rate	The whole Act
VI of 1871	Modifying and amending the constitution of the corporation of the Justices of the Peace for Calcutta	The whole Act
VIII of 1871	Markets	So much as not been repealed
I of 1872	Extending borrowing powers of the Justices and providing for the repayment of the municipal debt.	The whole Act
II of 1874	Markets	The whole Act

FREDERICK CLARKE,

Offg. Asst. Secy. to the Govt. of Bengal, Legislative Dept.



The Calcutta Gazette.

WEDNESDAY, FEBRUARY 23, 1876.

PART I A.

Orders and Notifications by the Government of India.

The following order, issued by the Government of India in the Legislative Department, is republished for general information :—

No. 5.—Fort William, the 14th February 1876.—Notification.—His Excellency the Viceroy and Governor-General, under the authority vested in him by 24 and 25 Vic., Cap. 67, section 10, is pleased to nominate F. R. Cockerell, Esq., of the Bengal Civil Service, to be an Additional Member of the Council of the Governor-General of India for the purpose of making Laws and Regulations.

The following order, issued by the Government of India in the Home Department, are republished for general information :—

No. 97.—Fort William, the 14th February 1876.—Appointment.—Medical.—Surgeon Major J. Elliot, M.D., Principal Medical Store-keeper, Bengal Presidency, to officiate as Surgeon to the Presidency General Hospital during the absence on furlough of Surgeon Major J. Ewart, M.D., or until further orders.

No. 106.—The 18th February 1876.—Appointment.—Surgeon Major H. Cayley, Officiating Ophthalmic Surgeon and Professor of Ophthalmic Surgery, Medical College, Calcutta, to officiate also as Marine Surgeon, Calcutta.

The following orders, issued by the Government of India in the Financial Department, are republished for general information :—

No. 1016.—Fort William, the 16th February 1876.—Notifications.—Accounts.—Mr. F. de H. Larpent is appointed to officiate as Deputy Accountant-General, Bengal.

No. 1025.—The 17th February 1876.—Furlough for nineteen months, without medical certificate, under Section 10 (a) of the Civil Leave Code, with the usual subsidiary leave, is granted to Mr. J. Westland, Accountant-General, Central Provinces.

No. 1038.—The 18th February 1876.—The following Financial Despatch from Her Majesty's Secretary of State for India to the Government of India, No. 14, dated 20th January 1876, is published for general information :—

"I have to acquaint you that the rate of exchange for the adjustment of financial transactions between the Imperial and Indian Governments for the year 1876-77 has been fixed, with the concurrence of the Lords Commissioners of the Treasury, at one shilling and nine pence three farthings (1s. 9½d.) the rupee, and I have to request that you will give the necessary instructions for the due observance of this rate in respect of all transactions to which it is applicable."

No. 943.—The 18th February 1876.—Separate Revenue.—Post Office.—Mr. W. Alpin is appointed to officiate as Post Master of Calcutta during the absence of Mr. E. C. George, on furlough, or until further orders.

The following orders, issued by the Government of India in the Military Department, are republished for general information :—

No. 154.—*Fort William, the 15th February 1876.*—The services of Surgeon C. J. B. Warden, of the Medical Department, officiating in medical charge 18th Bengal Lancers, are placed at the disposal of the Government of Bengal.

No. 162.—*The 17th February 1876.*—The undermentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Surgeon-Major Neil Benjamin Baillie, of the Medical Department,—for one year, under Rules IX and XV of the Regulations of 1868.

No. 170.—*The 18th February 1876.*—The undermentioned Officers are permitted to proceed to Europe on furlough on private affairs :—

* * * * *

Surgeon-Major Edmund John Hoskins, M.D., of the Medical Department,—for two years, under Rule IX of the Regulations of 1868.

R. L. MANGLAS,
Offg. Secy. to the Govt. of Bengal.



The Calcutta Gazette.

WEDNESDAY, FEBRUARY 23, 1876.

PART IV.

Bills of the Bengal Council.

GOVERNMENT OF BENGAL

LEGISLATIVE DEPARTMENT.

THE CALCUTTA MUNICIPAL CONSOLIDATION BILL, 1876.

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THE following Bill, as settled by the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations, on the 19th February 1876, is, by order of the President, published for general information:—

A Bill to consolidate and amend the law relating to the Municipal Affairs of Calcutta.

WHEREAS it is expedient to consolidate and amend the law relating to the municipal affairs of the Town of Calcutta; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY

1. This Act may be cited as "The Calcutta Municipal Consolidation Act, 1876."

It shall come into force on the first day of one thousand eight hundred and seventy-six, which date is hereinafter referred to as the commencement of this Act.

2. The enactments specified in the tenth schedule to this Act are hereby repealed to the extent mentioned in the third column thereof.

This repeal shall not revive any office authority, or thing abolished by any such enactment, or affect the validity of any thing done or suffered, or any right, title, obligation, or liability accrued before the commencement of this Act.

And all rules prescribed, assessments, valuations, measurements, divisions, and appointments made, powers conferred, and notifications published under any such enactment, and all other rules (if any) now in force and relating to the matters hereinafter dealt with, shall so far as they are consistent with this Act be deemed to have been respectively prescribed, made, conferred, and published hereunder.

And all references made to any such enactment shall, as far as may be practicable, be deemed to be made to this Act.

And all proceedings now pending, which may have been commenced under any such enactment, shall be deemed to be commenced under this Act.

In respect to all the matters aforesaid, the Commissioners under this Act shall be substituted for the Justices of the Peace for the Town of Calcutta.

3. In this Act—unless there be something repugnant in the subject or context—

"Animal" means a horse, pony, mule, or bullock.

"Bazar" means any place of trade, where there is a collection of shops and warehouses, and any place where a market is held.

"Carriage" means any wheeled vehicle with springs used for the conveyance of human beings.

"Cart" means any cart, hackery, or wheeled vehicle with or without springs not included in the definition of carriage.

"Chapter" means Chapter of this Act.

"Chairman" means the Chairman of the Commissioners of the Town of Calcutta.

"Commissioner" means the Commissioner of the Town of Calcutta.

"Court of Small Causes" means the Court of Small Causes for the time being established by law in Calcutta.

"Drug" includes medicine for internal or external use.

"House" includes any but, building, or shed.

"Immoveable property" and "land" respectively mean land, benefits to arise out of land, anything attached to the earth, or permanently fastened to anything attached to the earth.

"Movable property" means property of every description, except immoveable property.

"Local Government" means the Lieutenant-Governor of Bengal for the time being, or the person acting in that capacity.

"Owner" includes—

(a) the person entitled for the time being to receive the rent of the land in respect of which the word is used;

(b) an agent of such person;

(c) a trustee for such person.

But no such agent or trustee shall be liable to do anything required by this Act to be done by the owner, nor shall he be subject to any fine for omitting to do such thing, unless he have sufficient funds in his hands, as such agent or trustee, to do such thing.

"Police Force" means the Police Force as constituted under section eight of the Calcutta Police Act, 1866.

"Public Street" means any road, street, square, court, alley, or passage whether a thoroughfare or not, over which the public have a right of way, and also the roadway over any public bridge or causeway, and also the footway and drains attached to any street, public bridge (other than the Hooghly bridge) or causeway within the Town.

"Street" means any road, street, square, court, alley, or passage, not included in the definition of public street.

"Railway" includes a tramway.

"Schedule" means Schedule annexed to this Act.

"Section" means section of this Act.

"Slaughter-house" means any place used for the slaughter of cows, or bullocks, or sheep, or goats, or pigs, or kids, for the purpose of selling the same as meat.

"The Suburbs" mean the Suburbs of Calcutta as defined by the Lieutenant-Governor of Bengal by notification in the Calcutta Gazette, under the provisions of Act III of 1874 of the Lieutenant Governor of Bengal in Council, or of any other Act for the time being in force.

"The Commissioners" means the Corporation of the Town of Calcutta.

"Commissioner of Police" means the officer so styled and appointed under section four of the Calcutta Police Act, 1866.

"Court of Small Causes" means the Court of Small Causes for the time being established by law in Calcutta.

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"Immoveable property" and "land" respectively mean land, benefits to arise out of land, anything attached to the earth, or permanently fastened to anything attached to the earth.

"Movable property" means property of every description, except immoveable property.

"Local Government" means the Lieutenant-Governor of Bengal for the time being, or the person acting in that capacity.

"The Town" includes all places within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William in Bengal, but not

- (a) Fort William;
- (b) The Esplanade; or
- (c) Coolie Bazar, now called Hastings, except such portion as is bounded on the north by Clyde Row, on the south by Tolly's Nullah, on the east by the road leading from Kidderpore bridge to Clyde Row, and on the west by the Strand Road.

CHAPTER II

OF THE MUNICIPAL AUTHORITIES

PART I.—Of the Constitution of the Corporation and Municipal Board

4 The Commissioners of the Town of Calcutta shall consist of seventy-two members, to be appointed or elected as hereinafter provided, and shall, by the name of "The Corporation of the Town of Calcutta," be a body corporate, and have perpetual succession and a common seal, and by such name shall sue and be sued.

The aforesaid number of seventy-two shall not include the Chairman or the Vice-Chairman of the Commissioners in the event of those two officers not being appointed or elected Commissioners under this Act, but in such case the said Chairman and Vice-Chairman shall be *ex officio* Commissioners.

The said seventy-two members shall be male persons resident within the Town or the Suburbs, who have attained the age of twenty-one years.

5 All property, moveable and immovable, and all interest of whatsoever nature and kind therein, now vested in or held in trust for the Justices of the Peace for the Town of Calcutta, with all rights of whatsoever description now used, enjoyed, or possessed by the said Justices, shall become vested in the Commissioners for the purposes of this Act.

6 Of the said seventy-two members twenty-four shall be appointed by the Local Government immediately after the result of the election hereinafter mentioned shall have been published, and such appointment shall take effect from the date on which such election takes place.

7 The remaining forty-eight members shall be elected in the manner hereinafter provided, by male persons resident within the Town or the Suburbs, who shall have attained the age of twenty-one years, and who shall have severally paid, on their own behalf and not otherwise, to the Commissioners on or before the fifteenth day of January in the year in which the election takes place, any of the rates mentioned in Chapter IV assessed on land or masonry buildings, or taxes mentioned in Parts I and II of Chapter III, for the next preceding year, to the aggregate amount of not less than twenty-five rupees.

The word "land" in this section does not include huts erected on land.

8 Every male person shall be qualified for election as a member of the Corporation who shall have severally paid, on his own behalf, and not otherwise, to the Commissioners on or before the fifteenth day of January in the year in which the election takes place, any of the rates mentioned in Chapter IV or taxes mentioned in Parts I and II of Chapter III, for the next preceding year, to the aggregate amount of not less than fifty rupees.

9 Where the aggregate amount of rates or taxes paid by a joint undivided family, or by two or more partners in any trade or business, or by the joint occupiers of any house or land, under Chapter IV, or under Parts I and II of Chapter III, on the date and for the period aforesaid, is not less than one hundred rupees, any one member of such family, or any one of such partners or joint occupiers, may, if otherwise qualified, be eligible for election as a member of the said Corporation.

The Chairman shall decide which of the said members, partners, or joint occupiers, is eligible for election, subject to an appeal under section fifteen.

10 For the purpose of the aforesaid election of Commissioners the Town shall be divided into eighteen wards, the boundaries of which are defined in the first schedule.

The first, second, third, fourth, eleventh, and eighteenth of the wards described in the said schedule may each elect two Commissioners, and the remaining wards may each elect three Commissioners.

No person shall be entitled to vote in more than one of the said wards.

Any person qualified to vote under section seven may vote in the ward in which he resides, or in which his place of business is situated, or in which any of the land or masonry buildings referred to in section seven, on account of which he has paid rates as mentioned in the said section, is situated.

11 If the rate or tax-payers of any ward shall fail to elect the number of Commissioners allotted to such ward under the last preceding section, the Local Government shall, in place of such election, appoint one or more Commissioners to complete the number so allotted as at-read.

12 The first election shall take place at any time, not being less than two, or more than three months from the commencement of this Act, and until such election has taken place, and until the appointment of members by the Local Government takes effect under section six, this Act shall be read as if all the Justices of the Peace for the Town of Calcutta had been respectively appointed or elected Commissioners under this Act.

All subsequent elections, not being elections under section eighteen, shall take place on the expiration of three years from the date of the previous election.

Votes at all elections shall be rendered by means of voting papers.

The Local Government may from time to time make rules, not being inconsistent with this Act,

for the purpose of regulating all matters connected with such elections, and the result of all elections shall be published in the *Calcutta Gazette*.

13. Any person qualified to vote at an election, or to be elected as a Commissioner, may, at any time, not being less than six weeks or more than three months before the election takes place, apply personally or by letter to the Chairman for registration of his name as such voter or person qualified as aforesaid, and shall at the same time name the ward in which he wishes to vote.

On receipt of such application the Chairman shall, if he is satisfied that such person is qualified to vote or to be elected as aforesaid, enter the name of such application in a list, and shall allot to him the ward which he may have named as aforesaid; and no person whose name is not entered in such list at the time of the election shall be qualified to vote, or to be elected as a Commissioner.

If the applicant omits to name a ward as aforesaid, the Chairman shall allot to him such ward as to the Chairman may seem fit.

14. As soon as possible after the commencement of this Act, and subsequently from time to time on a date not less than one month before the election (not being an election under section eighteen) takes place, such list shall be printed and affixed by the Chairman of the Commissioners in some conspicuous place in or near his office, and at the Police station of each of the wards, mentioned in section ten, or at some conspicuous place in each of the said wards; and the Chairman shall forthwith give notice of such publication in one English and one vernacular newspaper published within the Town, and the said list shall be open to public inspection at all reasonable times of the day for fifteen days after the date of the publication of such notice.

The Chairman shall be at liberty at any time to revise the said list for the purpose of removing therefrom the name of any person not duly qualified and erroneously entered therein, or of recording the name of any person duly qualified and erroneously omitted therefrom.

15. Any person qualified to vote at an election, or to be elected whose name is omitted from the list referred to in the last preceding section, may, in case the Chairman shall refuse to insert his name in such list, apply to a stipendiary Magistrate of Police for the town of Calcutta within eight days after such refusal for an order to have his name inserted in such list, and such Magistrate shall, after enquiry, make such order as to the insertion or omission of the name of the applicant as shall be just, and such order, if it directs the insertion of the name of the applicant in such list, shall be forthwith obeyed by the Chairman. The order of such Magistrate made under this section shall not be appealable.

16. No election shall be deemed to be invalid, or shall be in any way affected, by reason of the name of any person duly qualified as aforesaid being omitted from the said list, or by reason of the name of any person not duly qualified as aforesaid being inserted therein.

17. The members of the said Corporation shall be appointed or elected respectively for a term of three years. At the expiration of the term for which the members of the said Corporation may be appointed or elected respectively, they shall cease to be members of the said Corporation, but shall be eligible to be again appointed or elected members of the said Corporation for a further term or terms.

Provided that the said term of three years shall be held to include any period which may elapse between the expiration of the said three years and the date of the next subsequent election, not being an election under the next succeeding section.

18. No person shall be qualified to be or to continue to be a member of the said Corporation who is or becomes at the time, or during the term of his appointment or election, a bankrupt or insolvent, or who is interested (otherwise than as a shareholder in a joint stock company) in any contract with the Corporation; and no person who is absent from Calcutta for six months consecutively, or who shall be sentenced to imprisonment, shall be qualified to continue to be such member.

In case of the death, resignation, or disqualification as aforesaid of any member of the said Corporation, his successor shall be forthwith appointed or elected in the manner prescribed in sections ten, eleven, and twelve; and such successor shall remain a member of the said Corporation for the residue only of the term for which the member so dead, resigned, or disqualified was originally appointed or elected.

Provided that no act of the Commissioners or their officers, or of the Commissioners in meeting shall be deemed to be invalid by reason only that the number of the Commissioners did not amount to seventy-two at the date of the performance of such act.

Application of Municipal Property and Funds.

19. All property vested in the Corporation, and all funds received or raised by them in accordance with the provisions of this Act, shall be applicable to the purposes expressly authorised by this Act.

20. The purposes expressly authorised by this Act shall be held to include the objects connected with the public safety, health, and convenience hereinafter specified; that is to say:—

Public Safety.

(1) Defraying the cost of the Police who may be employed for the security of life and property within the Town, in the manner and to the extent mentioned in Chapter VIII.

(2) Provision for lighting the public streets, places, and buildings, and for the securing or removal of dangerous places, buildings, and trades.

Public Health.

(1) Defraying the charges of Vaccination, Registration of Births, Deaths and Marriages, and taking a Census.

(2) Construction and maintenance of public markets and slaughter-houses, latrines, privies, depôts for the deposit or discharge of night-soil, urinals, drains, sewers, drainage-works, water-works, bathing-ghâts, drinking-fountains, tanks, wells, squares, and gardens, reclamation of unhealthy localities, and the like.

(3) Cleansing and watering of streets, sewers, scavenging, removal of noxious vegetation, and generally the abatement of all nuisances.

(4) Regulation of offensive trades, and burial and burning grounds, and the removal of and providing sites for the same.

Public Convenience.

(1) Construction, maintenance, and alteration of streets, bridges, canals, culverts, and the like, regulation of buildings, naming streets and numbering houses, planting trees, and removal of obstructions and projections.

(2) Erection and maintenance of public halls, offices, police stations, lock-ups, and other buildings under the control of the Corporation, or required for municipal or police purposes.

(3) Survey of houses and preparation of plans. And generally all objects connected with the public safety, health and convenience.

21. It shall be the duty of the Commissioners, and they are hereby required, to provide such funds as may be necessary for the maintenance of the Police, in the manner and to the extent mentioned in Chapter VIII, and for the purpose of making adequate and suitable provision for the cleaning, draining, and conservancy arrangements of the Town, and for maintaining a proper and sufficient water-supply.

22. Upon complaint made to the Local Government that the Commissioners appointed by and under the provisions of this Act have made default in performing the duties imposed upon them by the last preceding section, the Local Government, if satisfied after due inquiry that the alleged default has been committed, shall make an order intimating a time for the performance of their duty by the Commissioners, and it shall be the duty of the Commissioners to comply with such order, and such order shall have all the force of a resolution passed by the Commissioners in meeting, and the Commissioners shall not have power to cancel or modify such order.

PART II.—Of the Officers of the Corporation.

23. The Local Government shall from time to time appoint a proper person to be Chairman of the Commissioners.

Such Chairman may be removed from office by the Local Government if his removal be recommended by a resolution in favor of which not less than two-thirds of the Commissioners present at a special general meeting of the Commissioners shall have voted, but not otherwise.

24. The Commissioners, at a special general meeting to be held for that purpose, may from time to time appoint, for such period as they may think fit, a proper person to be Vice-Chairman of the Commissioners.

Such appointment shall be subject to the approval of the Local Government.

25. The Commissioners may, at a special general meeting, from time to time, appoint proper persons, for such period as they may think fit, to the several offices of Secretary, of Engineer, of Surveyor, of Health Officer, of Collector of Taxes, and of Assessor for the Town, or may appoint a proper person to two or more of such appointments or to none.

Every person so appointed, and also the Vice-Chairman, shall reside within the Town, and shall in all things be under the immediate orders of the Chairman, and shall perform such duties as shall be assigned by him, and may be removed by the Commissioners by a resolution in favor of which not less than two-thirds of the Commissioners present at a special general meeting shall have voted, and another person may be appointed in his place.

All appointments and resolutions under this section shall be subject to the approval of the Local Government.

26. The Chairman and Vice-Chairman shall reside within the Town, and each of them shall devote his whole time to the duties of his office; and no Chairman or Vice-Chairman shall have or engage in any other profession, trade, or business whatsoever:

Provided that—

- (a) Any Civil or Military Officer in the service of the Government may hold the office of Chairman or Vice-Chairman, so long as such Officer shall fill no other appointment than those specified in this section.
- (b) The Chairman may also hold the office of Commissioner of Police, or of Commissioner as interpreted in section one of Bengal Act No. V of 1870 (to appoint Commissioners for making Improvements in the Port of Calcutta); and may perform such other duties as the Local Government may from time to time assign to the Commissioner of Police.
- (c) The Chairman may also be a member of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.
- (d) The Vice-Chairman may, with the sanction of the Local Government, be appointed to and may hold any other office in the employ of the Commissioners to which he may be appointed at a special general meeting.

27. The Chairman and the Vice-Chairman respectively may receive such allowances out of the Municipal Fund as shall be, from time to time, fixed by the Commissioners at a special general meeting.

Such allowance shall not exceed—

- (a) for the Chairman three thousand rupees a month (exclusive of house-rent, which may or may not in the discretion of the Commissioners be allowed);

- (b) for the Vice-Chairman twelve hundred rupees a month.

All resolutions passed by the Commissioners under this section shall be subject to the approval of the Local Government.

28. Every Secretary, Engineer, Surveyor, Salaries of Secretary, Health Officer, Collector of Engineer, &c. Taxes, and Assessor, appointed as hereinbefore provided, may receive such allowance out of the Municipal Fund as shall be from time to time fixed by the Commissioners at a special general meeting.

All resolutions passed by the Commissioners under this section shall be subject to the approval of the Local Government.

29. The Chairman may from time to time appoint all such Overseers, Appointments and remuneration of Overseers, Clerks, and Subordinate Officers, and servants, as he shall think necessary and proper to assist in carrying out this Act, and may from time to time remove any of such persons and appoint others in their place;

and may, with the sanction of the Commissioners in meeting, other than an ordinary meeting, pay out of the Municipal Fund such allowances to the said persons respectively, or, in case of absence on leave, such portion thereof as he shall think reasonable; Provided that the allowances of the officers filled by the said persons shall have been sanctioned in meeting, other than an ordinary meeting.

But no person shall be appointed to, or removed from, any office the monthly salary of which exceeds two hundred rupees, without the sanction of the Commissioners in meeting, other than an ordinary meeting.

30. The Commissioners may in meeting, other than an ordinary meeting, with the sanction of the Local Government, grant such leave of absence to the Chairman or any Officer appointed under sections twenty-four and twenty-five, and may, if such officer be other than the Chairman, make such arrangements for carrying on the duties of his office during his absence on leave as shall to them seem proper.

In any case in which leave of absence shall be granted to the Chairman, the Local Government shall appoint one of the Commissioners to act as Chairman in his place, or shall make such other arrangements for carrying on the duties of the office as to it shall seem proper.

Any person appointed under this section to act for the Chairman or any other Officer shall, while so acting, have all the powers and be liable to all the restrictions, limitations, and provisions, which the Chairman or other Officer for whom he may be appointed to act would, under this Act, have or be liable to.

31. In any case in which leave of absence shall be granted under the last preceding section, the Commissioners may in meeting, other than an ordinary meeting, by a resolution in favor of which not less than two-thirds of the Commissioners present at the meeting shall have voted, with the sanction

of the Local Government, out of the Municipal Fund, pay to the Chairman or other Officer aforesaid such allowance during absence on leave as shall to them seem proper.

32. The Commissioners may in meeting, other than an ordinary meeting, by a resolution in favor of which not less than two-thirds of the Commissioners present at such meeting shall have voted, from time to time make rules for pensions and gratuities to be granted, and to be paid out of the Municipal Fund, to their officers and servants, and may repeal, alter, or add to such rules.

No rule, and no repeal, or alteration of, or addition to any rule, shall have effect until the same has been confirmed by the Local Government and published in the *Calcutta Gazette*.

The Commissioners may in meeting, other than an ordinary meeting, from time to time, in accordance with such rules for the time being in force, grant such pensions or gratuities to any of their officers or servants as to the Commissioners may seem fit.

33. No Chairman or Vice-Chairman, or other Officer, &c., not to be interested in contracts made with the Commissioners directly or indirectly in any contract made with the Commissioners, and if any such person be so interested, he shall become incapable of continuing in office or in employment as such Chairman, Vice-Chairman, or other officer or servant, and shall forfeit and pay the sum of five hundred rupees, which may be recovered by suit brought by or on behalf of the Commissioners.

Provided that no person shall, by reason of being a shareholder in, or a member of, any incorporated or registered Company, be deemed interested in any contract entered into between such Company and the Commissioners.

34. If any person employed under this Act not being a public servant within the meaning of Section 21 of the Indian Penal Code) shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act; or for showing or forbearing to show, in the exercise of his official functions, favor or disfavor to any person, or for rendering or attempting to render any service or disservice to any person, with the Commissioners or with any public servant, or with the Government, as such, he shall be punished with imprisonment, either simple or rigorous as provided in section 63 of the Indian Penal Code, for a term which may extend to three years, or with a fine not exceeding five thousand rupees, or with both.

PART III.—Of the Mode of transacting Business and entering into Contracts.

35. The Commissioners shall provide and keep an office within the Town, and shall at such office, and during all days of business, keep open a book in which shall be entered all reasonable complaints made, orally or by letter, by any inhabitant, or the owner, or occupier of any land within the Town, of any matter cognisable by the Commissioners;

and the proper Officer of the Commissioners shall forthwith enquire into the truth of all such complaints, and report thereon to the Commissioners; and such report shall be entered in the said book, and such book shall be open, at all reasonable times, to any inhabitant, or owner, or occupier of land within the Town.

36. There shall be four quarterly meetings in every year, and one ordinary meeting in every month, at which the Commissioners shall meet for the transaction of general business.

The quarterly meetings shall be held in the months of January, April, July, and October, or in any month to which the quarterly meetings first called for the months of January, April, July, and October may be adjourned; and the ordinary meetings at such dates as the Commissioners in meeting may from time to time direct.

Provided that no ordinary meeting need be called if there be no business to be laid before it by the Chairman or by any of the Commissioners.

37. The Commissioners shall, from time to time, as occasion may require, at a special meeting to be convened for that purpose or at some adjournment thereof, fix and determine the kind of business that may be transacted at the said ordinary and quarterly meetings and no business, save such kind of business, shall be transacted at such meetings:

But the Chairman may postpone the discussion of any question that may be raised at any such meeting, and refer the determination thereof to a special or special general meeting to be convened within fourteen days thereafter.

38. The Chairman or, in his absence, the Vice-Chairman, may, whenever he thinks fit, and shall, upon a requisition made in writing by any ten Commissioners, call a special or special general meeting of the Commissioners.

Previous to any such meeting, at least five days' clear notice, specifying the time and place of such intended meeting, and the purpose for which it is to be held, shall be given by advertisement in at least two of the daily newspapers published within the Town.

39. No business shall be brought before, or transacted at, any special or special general meeting other than the business specified in the notice given under the last preceding section:

Provided that any Commissioner may submit to a special or special general meeting any resolution beyond the matters mentioned in the notice given of such meeting, if he shall have given not less than two clear days' previous notice of his intention so to do, by leaving a copy of the resolution at the office of the Commissioners.

40. All acts authorized or required to be done by the Commissioners, and all questions which may come before them for decision, shall, save as is herein otherwise provided, be done, and decided by, a majority of the Commissioners present at the meeting before which the matter may be brought.

41. The Chairman and Vice-Chairman shall attend all meetings of the Commissioners held under this Act, unless prevented by sickness or other reasonable cause; and the Chairman, or, in his absence, the Vice-Chairman, shall preside at every such meeting, and shall have a second or casting vote in all cases of equality of votes.

In the absence of both the Chairman and Vice-Chairman, the Commissioners present at any meeting shall choose some one of their number to preside, who shall, in case of equality of votes, have a second or casting vote.

The President of any meeting at which a quorum of the Commissioners shall be present, may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place; but no business shall be transacted at any adjourned meeting, other than the business left unfinished at the meeting from which such adjournment took place.

42. No business shall be transacted at any meeting unless a quorum of Commissioners be present at such meeting, that is to say:—

- (a) At an ordinary meeting at least six;
- (b) At a special meeting at least nine;
- (c) At a special general, or quarterly meeting, at least eighteen.

Provided that, if at any meeting there shall not be a sufficient number of Commissioners present to form a quorum as above mentioned, the President (whether he be the Chairman or not) shall adjourn the meeting to such convenient time and place as he shall think fit; and the business which should have been brought before the original meeting had there been a quorum present, shall be brought before, and disposed of by the adjourned meeting in the usual manner, whether there be a quorum present at such adjourned meeting or not;

Provided also that no business shall be brought before an adjourned special general or quarterly meeting, unless there are at least ten Commissioners present at such adjourned meeting.

43. Minutes of the proceedings of all meetings shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the President after each meeting; and minutes of each meeting shall be laid on the table at the next subsequent meeting, and the said Minutes shall, at all reasonable times, be open at the office of the Commissioners to the inspection of any Commissioner without charge, and of any other person on payment of a fee of eight annas:

44. At any special general or quarterly meeting, unless a poll be demanded by at least five Commissioners, and at any special or ordinary meeting, unless a poll be demanded by at least three Commissioners, a declaration by the President that a resolution has been carried, and an entry to that effect in the Book of Proceedings of the Commissioners shall, for the purposes of this Act, be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favor of, or against such resolution.

45. If a poll be demanded as in the last preceding section mentioned, the votes of all the Commissioners present who desire to vote shall be taken under the direction of the President, and the result of such poll shall be deemed to be the resolution of the Commissioners at such meeting.

46. The Chairman or Vice-Chairman shall, except upon such holidays as shall be allowed by the Government, and unless prevented by sickness or other reasonable cause, attend daily at the office of the Commissioners for the transaction of business connected with or arising under this Act, and, when so attending, shall have all the powers vested by this Act in the Commissioners; and they may respectively exercise the like powers at all times in carrying out the orders of the Commissioners, or in executing any work sanctioned by them, and generally in the management of the business aforesaid:

Provided that no Chairman or Vice-Chairman shall act in opposition to, or contravention of, any order of the Commissioners, or exercise any power which by this Act is directed to be exercised only by the Commissioners in meeting.

47. The Commissioners may enter into and perform all such contracts as may be necessary for carrying this Act into effect.

Every contract made on behalf of the Commissioners in respect of any sum exceeding one thousand rupees, or in respect of any property exceeding one thousand rupees in value, shall be in writing, and signed by the Chairman (or, in his absence, by the Vice-Chairman), and two other Commissioners, and shall be sealed with the seal of the Commissioners, and no such contract shall be made without inviting tenders thereon, and without the approval of a Committee of the Commissioners.

Unless so executed it shall not be binding on the Commissioners.

The Commissioners may compound with any contractor or other person in respect of any penalty or damages incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract or otherwise, for such sums of money or other recompense as to the Commissioners may seem proper.

48. The Commissioners in meeting may from time to time appoint, from among the Commissioners, such and so many Committees, either of a general or of a special nature, and consisting of such number of persons as they may think fit, for the purpose of inquiring into, and reporting upon, any matter connected with the conservancy or improvement of the Town, or of advising and aiding the Chairman in the discharge of any portion of his executive duties, which in the discretion of the Commissioners would be better regulated or managed with the advice and aid of any such Committee:

Provided that the Chairman or Vice-Chairman shall be a member of every such Committee, and that the proceedings of every such Committee shall be submitted to the Commissioners at a meeting;

Provided also that in cases where the Chairman and the majority of the Committee differ on any matter, no action shall be taken in respect of such matter until it be disposed of by the Commissioners in meeting.

PART IV.—Of the Estimates of Income, Expenditure, and Audit.

49. At the quarterly meeting to be held in the month of October in each year, the Chairman shall lay before the Commissioners a Budget or Estimate, prepared by him, of the income and expenditure of the Commissioners (not mentioned in Chapter VIII) for the year commencing on the first day of January then next succeeding, in such detail and form as the Commissioners shall from time to time, by order passed at a quarterly or special general meeting, direct.

Such Budget shall be completed and printed, and a copy thereof, as far as may be practicable, sent by post or otherwise to each of the Commissioners resident within twenty miles of Government House, at least seven days prior to the meeting before which the Budget is to be laid.

50. The Budget shall show what expenditure it is proposed to incur during the period to which it relates, and the manner in which it is proposed to meet such expenditure.

Provided that nothing contained in this section shall preclude the Commissioners in meeting from sanctioning expenditure not provided for in the Budget.

51. It shall be in the discretion of the Commissioners at the meeting referred to in section forty-nine to pass or to reject, or to modify, the estimates of all or any sums, entered in the Budget.

No new work or series of works, the entire estimated cost of which shall exceed fifty thousand rupees, shall be commenced without the sanction of the Local Government.

52. The accounts of the receipts and expenditure of the Commissioners shall be audited and examined at least once in every year at such time and by such auditors as shall, from time to time, be appointed by the Local Government.

53. For the purposes of any audit and examination of accounts under this Act, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

54. If any such person neglect or refuse to make or sign such declaration, or to produce any such books, deeds, contracts, accounts,

vouchers, documents, or papers, or to make or sign such declaration, he shall be liable for every neglect or refusal to a fine not exceeding one hundred rupees, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence.

55. All auditors acting under this Act shall, in respect of each audit, be paid out of the Municipal Fund such reasonable remuneration as the Commissioners in meeting, other than an ordinary meeting, shall from time to time determine.

56. Before each audit and examination of accounts, the Commissioners shall give ten days' notice of the time and place at which the same will be made, by advertisement in at least two of the daily newspapers, published in Calcutta; and a copy of the accounts to be audited and examined shall be deposited in the office of the Commissioners, and be open during office hours thereat, to the inspection of all persons interested for seven days before the audit and examination, and all such persons shall be at liberty to take copies of, or extracts from, the same, without the payment of any fee; and within fourteen days after the audit and examination shall have been completed, the auditors shall report upon the accounts audited and examined, and shall deliver such report to the Commissioners at a meeting, who shall cause the same to be deposited in the office of the Commissioners, and to be published in the Calcutta Gazette.

PART V.—Of the Fixing of Rates.

57. At the quarterly meeting to be held in the month of October in each year as aforesaid, the Commissioners shall fix the rates at which the rates and taxes hereinafter mentioned shall be imposed for the year commencing on the first day of January then next ensuing, and the rate so fixed shall not be altered before the quarterly meeting held in the next succeeding month of October, except by a resolution passed by the Commissioners at a special general meeting.

58. If it shall at any time appear to the Local Government that the Commissioners have failed to provide sufficient funds for the efficient performance of the duties imposed on them by section twenty-one, it shall be lawful for the Local Government by a notification published in the Calcutta Gazette to declare the rates at which the rates and taxes imposed by this Act, or any of them, shall be raised from the commencement of the next ensuing quarter, until the close of the current year, and it shall be the duty of the Commissioners to comply with such notification; and such notification shall have all the force of a resolution passed by the Commissioners under the last preceding section, and the Commissioners shall not have power to alter the rates at which the rates and taxes are fixed by such notification.

CHAPTER III.

OF TAXES.

PART I.—Of the Tax on Carriages and Animals.

59. A tax at a rate not exceeding the rates specified in the second schedule shall be imposed upon all carriages and animals kept within the Town, and shall be payable in advance. But it shall not be imposed on—

- (a) animals belonging to Officers doing regimental duty at the Presidency, at the rate of one animal for each Officer;
- (b) animals exempt from any municipal tax under section twenty-five of the Indian Volunteers' Act, 1869;
- (c) carriages or animals belonging to the Government or to the Commissioners;
- (d) carriages, the wheels of which do not exceed twenty-four inches in diameter;
- (e) animals under eleven hands in height;
- (f) carriages kept for sale by *bona fide* dealers in such carriages and not used for any other purpose;
- (g) animals used by, or in, any cavalry regiment, or by the Police Force.

60. The person in possession of every carriage or animal kept within the Town shall, on or before the first day of January and the first day of July in each year, forward to the office of the Commissioners, a statement in writing signed by him, containing a description of the carriages and animals in his possession liable to the tax.

Such person shall at the same time pay to the Commissioners such sum as shall be payable by him for the half-year commencing on the first day of January or July (as the case may be) for the carriages and animals specified in such statement, according to the rates given in the second schedule.

Any person becoming possessed between the first day of January and the first day of July, or between the first day of July and the first day of January, of any carriage or animal so kept, shall, within a week of becoming so possessed, send to the office of the Commissioners a similar statement, together with the amount payable for the whole of the then current half-year, according to the rates specified in the second schedule.

The Commissioners may, if they are satisfied that any such carriage or animal has been kept for only a portion of the then current half-year, remit the whole, or such portion thereof as they may think fit, of the amount so payable.

For the purposes of this section a livery stable-keeper shall be deemed to be possessed of every animal in his stables.

61. Whenever any person shall pay to the Commissioners the amount of the tax which under the two last preceding sections shall be payable by him in respect of all carriages and animals kept within the Town, the Commissioners shall grant to such person a license to keep within the Town such carriages and animals during the current half-year ending upon the first day of January, or the first day of July which shall occur next after the grant of such license, and no longer.

62 Whoever keeps or is in possession of any carriage or animal without the license required by the two last preceding sections, shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, exclusive of the amount so payable

Penalty

63. The Commissioners, at their discretion, may compound for any period not exceeding one year, with livery stable-keepers, and other persons keeping carriages for hire, or animals for sale or hire, for a certain sum to be paid for the carriages or animals so kept by such persons, in lieu of the taxes specified in the first schedule

Commissioners may compound for carriages with livery stable-keepers and others

64 Whoever, having compounded for the payment of a certain sum under the last preceding section, refuses to pay such sum, shall be liable to a fine not exceeding three times the amount payable by him in respect of such composition, exclusive of the amount so payable

Penalty

65. The Commissioners may, by a notice in writing under their common seal, require any person who shall carry on the trade or business of a livery stable-keeper, to produce, for the inspection of the Commissioners or of any officer authorized by them in that behalf, all books and accounts relating to the business of a livery stable-keeper carried on by such person

Power to compel production of the books of livery stable-keepers

66. The Commissioners or any person authorized by them in that behalf, may at any time between sunrise and sunset, enter and inspect any stable or coach-house, or any place wherein they may have reason to believe that there is any carriage or animal liable to taxation; and the Commissioners may summon any person whom they have reason to believe to be liable to the payment of any tax under sections fifty-nine and sixty, or any servant of such person, and may examine such person or servant as to the number and description of the horses and carriages in respect of which such person is liable to be taxed

Power to inspect stable, &c., and to summon persons liable to the payment of the tax

67. Whoever neglects or refuses to comply with a notice served under section sixty-five, and who ever hinders or obstructs the Commissioners or any person appointed by them, from or in entering or inspecting any stable, coach-house, or place, in the manner provided in the last preceding section, shall be liable to a fine not exceeding one hundred rupees.

Penalty.

68. The Commissioners shall, from time to time, cause to be prepared and entered in distinct columns, in a book to be kept at the office of the Commissioners and to be open to the inspection of any person who shall apply for leave to inspect the same, a list of the persons to whom during the then current period of six months a license has been granted under section sixty-one, and of the carriages and animals in respect of which the same has been granted.

List of persons licensed to be entered in a book.

PART II.—Of the Tax on Professions, Trades, and Callings.

69. Every person who shall, within the Town, exercise any of the professions, trades, or callings, specified in the third schedule, shall yearly take out a license, and shall pay for the same such sum as is in the third schedule mentioned.

Persons exercising certain professions, trades, and callings in the Town, to take out a license

The Commissioners may in their discretion remit any portion of the sum so payable if they are satisfied that any such person has exercised any such profession, trade, or calling, for a portion of the year only.

70. The license mentioned in the last preceding section shall be granted by the Commissioners or by some person authorized by them in that behalf, and shall specify, the date of the grant thereof, the name of the person to whom the license is granted, the profession, trade, or calling for which the license is granted, and the sum paid for such license.

Such license shall have effect and continue in force from the commencement of the year in which it is granted until the thirty-first day of December next after the day of the granting thereof, and no longer.

71 Whoever exercises any trade, profession, or calling without the license required by section sixty-nine, shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, exclusive of the amount so payable.

Penalty

72 The Chairman, or some other officer authorized by him in that behalf, shall determine under which of the classes mentioned in the third schedule, every person to whom a license may be granted shall be assessed, and may in his discretion remit the payment of license tax either in whole or in part to any person classified under Classes 5 or 6 of the third schedule.

Chairman or Vice-Chairman to classify all persons required by this Act to be licensed

73. Any person may, within fourteen days of the date of his being informed of the class under which he has been assessed as determined in the last preceding section, appeal against such assessment by delivering at the office of the Commissioners an application in writing stating the grounds of appeal; and such appeal shall be heard and determined by not less than three Commissioners other than Executive Officers of the Commissioners.

No such appeal shall be heard unless the amount of the license assessed as aforesaid has been deposited with the Commissioners.

If no appeal be made within the time limited as aforesaid, the decision of the Chairman or Vice-Chairman shall be final.

74. The Commissioners may, by a notice in writing under their common seal, require the occupier of any house to forward to them a list in writing signed by him of the names of all persons residing in such house, and of their respective professions, trades, and occupations.

Commissioners may require list of persons in any house.

75. Whoever being the occupier of any house, fails to forward such list when required to do so under the last preceding section, shall be liable to a fine not exceeding hundred rupees.

76 As soon as may be after the first day of January in every year, the Chairman shall prepare a list of the persons licensed under sections sixty-nine and seventy which shall state the profession, trade, or calling of every such person therein named, the class under which he is assessed; and the sum paid by him in respect of his license; and such list shall be kept in the office of the Commissioners and be open to public inspection at all reasonable times.

PART III.—Of the Registration of Carts

77. Every cart kept or used within the Town, or the Suburbs, or Howrah, shall be registered in the office of the Commissioners with the name and residence of the owner, and shall have affixed thereto the number of such registration in such manner as the Commissioners shall direct.

78. Whoever keeps or is in possession of a cart not duly registered as required by the last preceding section, shall be liable to a fine not exceeding three times the amount payable by him in respect of such registration, exclusive of the amount so payable; and whoever, being the owner or driver of any cart, shall fail to affix the registration number required by the last preceding section, shall be liable to a fine not exceeding five rupees.

79. The registration of carts, under the last preceding section, shall be made and the numbers assigned half-yearly, on or after the first day of January and the first day of July in each year, upon such days as the Commissioners shall appoint, and a fee of four rupees shall be paid for each registration.

The Commissioners may in their discretion remit any portion of the fee so payable if they are satisfied that the cart hereinbefore required to be registered has been kept or used as in the last preceding section mentioned for a portion of the half-year only.

When any registered cart is transferred within any half-year, it shall be registered anew in the name of the person to whom it has been transferred; and a fee of four annas shall be paid for every such last mentioned registration.

One-sixth of the total net proceeds of the fees half-yearly received by the Commissioners for the registration of carts, after deducting charges incurred in and about such registration, shall be paid half-yearly by the Commissioners to the municipality of the Suburbs, and one-twelfth of such proceeds to the municipality of Howrah.

Provided that it shall be in the discretion of the Local Government, from time to time, to alter the proportion of the said proceeds required by this section to be paid by the Commissioners to

the municipalities of the Suburbs and of Howrah respectively, and to prescribe such other proportions as to it shall seem proper.

80 The two last preceding sections shall not apply to carts—

- (a) which are the property of the Government,
- (b) which are the property of the Commissioners, the Municipal Commissioners of the Suburbs, or of Howrah
- (c) or which are kept at any place more than eight miles distant from Government House, and are only temporarily and casually used within the Town, the Suburbs, or Howrah.

81 If any person owns or keeps any cart hereinbefore required to be registered, without having caused the same to be registered, the Commissioners or any Officer authorized by them in that behalf, may seize such cart (provided the same be not employed at the time of the seizure in the conveyance of passengers or goods), together with the animals or cattle drawing the same, and may detain them, and all Police Officers shall, on the application of the Commissioners or their Officers as aforesaid, seize and detain any such cart, animals, or cattle. If the cart, animals, or cattle so seized be not claimed within ten days, they may be sold by auction by order of a Justice of the Peace, or Magistrate, and the proceeds of such sale may be applied to the expenses incurred on account of the seizure, detention, and sale; and the surplus (if any), if not claimed within a further period of twenty days, shall be paid to the Municipal Fund of Calcutta.

CHAPTER IV

OF THE RATES

PART I.—Of Improving the Rates

82. The Commissioners shall, as provided in section fifty-seven, impose upon all houses and land within the town the following annual rates, which shall be calculated on the annual value of the said houses and land—

- (a) a House-rate, not exceeding ten per cent;
- (b) a Water-rate, not exceeding six per cent when the houses and land are situated in streets supplied with filtered water in the manner provided by section one hundred and twenty-three, and not exceeding five per cent when the houses and lands are situated in streets not so supplied
- (c) a Police rate, not exceeding three per cent;
- (d) a Lighting rate, not exceeding two per cent.

The Commissioners may impose upon all houses and land situated within the boundaries notified under section one hundred and sixty-two an annual Drainage rate, not exceeding two and a half per cent of their annual value.

83 The House-rate and Drainage-rate shall be payable by the owners of the houses and land.

The Water-rate shall (save as is provided in section ninety-three) be payable by the occupiers of the houses and land.

The Police and Lighting-rates shall be payable by the occupiers of the houses and land.

All the rates hereinbefore mentioned shall be payable by quarterly instalments.

The House-rate shall be payable on the first of April, the first of July, the first of October, and the first of January, for the quarters immediately preceding those dates.

The Water-rate shall (save as is provided in section ninety-three) be payable in advance on the dates above mentioned for the current quarter.

The Police and Lighting-rates shall be payable in advance on the dates above mentioned for the current quarter.

PART II.—Of the Owner's Rates.

88. If the annual value of any house or land as assessed under Chapter V,

If assessment be made at a higher annual value than the amount paid by the occupier, owner may recover difference from him

shall in any case exceed the amount of rent payable by the occupier to the owner, the owner may in such case recover from the occupier the difference between the sum assessed upon him and the sum at which he would have been assessed had he been rated only upon the amount of rent actually payable to him, and such difference shall be added to the rent payable by the occupier, and shall be recoverable by the owner from him

89. Where any house or land, whereon the rate is assessed under section

Remission of house-rate when house vacant

eighty-two has been vacant for sixty consecutive days during any year, the person assessed to the said rate shall be entitled to a remission of so much thereof, not exceeding one-half of the rate for that year, as shall be proportionate to the number of days such house or land has been vacant, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of the delivery of such notice at the office of the Commissioners.

90. No remission shall be made under the last preceding section, unless the same shall be applied for within six months from the date of cessation of occupation of the house or land on account of which the remission is applied for.

No remission unless application be made within six months from vacancy

91. Whenever any quarterly instalment of Water-rate shall have been paid in respect of any house or land, and such house or land shall, during the quarter for which such instalment shall have been paid, cease to be occupied, the person who shall have paid such Water-rate shall be entitled to be repaid by the Commissioners three-fourths of such sum as shall bear to the amount paid by him the same proportion which the residue of the quarter bears to an entire quarter, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of the delivery of such notice at the office of the Commissioners.

92. Whenever any quarterly instalment of Water-rate shall have been paid in respect of any house or land, and such house or land shall, during the quarter for which such instalment shall have been paid, cease to be occupied, the person who shall have paid such Water-rate shall be entitled to be repaid by the Commissioners three-fourths of such sum as shall bear to the amount paid by him the same proportion which the residue of the quarter bears to an entire quarter, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of the delivery of such notice at the office of the Commissioners.

Refund of Water-rate when house ceases to be occupied

93. Whenever any quarterly instalment of Police and Lighting-rates shall have been paid in respect of any house or land, and such house or land shall, during the quarter for which such instalment shall have been paid, cease to be occupied, the person who shall have paid such instalment shall be entitled to be repaid by the Commissioners such sum as shall bear to the amount paid by him the same proportion which the residue of the quarter bears to an entire quarter, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of the delivery of such notice at the office of the Commissioners.

88. Whenever any quarterly instalment of Police and Lighting-rates shall have been paid in respect of any house or land, and such house or land shall, during the quarter for which such instalment shall have been paid, cease to be occupied, the person who shall have paid such instalment shall be entitled to be repaid by the Commissioners such sum as shall bear to the amount paid by him the same proportion which the residue of the quarter bears to an entire quarter, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of delivery of such notice at the office of the Commissioners.

Refund of Police and Lighting rates when house ceases to be occupied.

89. No refund of rates shall be made under the two last preceding sections, unless the same is applied for within six months from the date of cessation of occupation of the house or land on account of which the refund is applied for.

90. Whenever any house or land, which shall have been unoccupied, shall be occupied during any quarter, there shall be forthwith payable in respect of such house or land, such amount of the Water, Police, and Lighting-rates as shall bear to the entire quarterly instalments of the said rates for such house or land, the same proportion as the residue of such quarter after such house or land shall be occupied, bears to an entire quarter

91. Whenever any person holding any house or land at a rent from the person liable to pay the House-rate has or may sublet the same to different persons holding in severalty, the person so holding shall, for the purposes of this Act, be deemed to be the occupier of such house or land.

92. Whenever the person from or by whom the Water-rate shall have been recovered or paid shall not be the owner of the house or land in respect of which the Water-rate shall have been assessed, such person may recover from the owner of such house or land one-fourth of the Water-rate so paid by deducting the same from the rent payable by him to such owner.

93. Whenever any house or land has been unoccupied during an entire quarter, the owner of the said house or land shall pay to the Commissioners one-fourth of the sum which would have been payable as Water-rate by the occupier if such house or land had been occupied.

94. The sum payable by the owner under this section shall be payable on the first of April, the first of July, the first of October, and the first of January, for the quarters immediately preceding those dates.

95. If any house is occupied by more than one person holding in severalty, or is of less assessed annual value than two hundred rupees, the Commissioners may impose the Water, Police

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98. If any house is occupied by more than one person holding in severalty, or is of less assessed annual value than two hundred rupees, the Commissioners may impose the Water, Police

and Lighting-rates upon the owner of such house, or upon the owner of the land on which such house is situated.

95. If the Water-rate is paid by the owner of any house or land under the last preceding section, such owner may, if there be but one occupier of the house, recover from such occupier three-fourths of the rate so paid by such owner;

and if there be more than one occupier, he may recover from each occupier three-fourths of such sum as shall bear to the entire amount of rate so paid by him the same proportion as the value of the portion of the house in the occupation of such person bears to the entire value of such house

96. If the Police and Lighting-rates are paid by the owner of any house or land under section ninety-four, such owner may, if there be but one occupier of the house, recover from such occupier the entire amount of the rate so paid by such owner;

and if there be more than one occupier, he may recover from each occupier such sum as shall bear to the entire amount of rate so paid by him the same proportion as the value of the portion of the house in the occupation of such person bears to the entire value of such house

97. Every owner who, under the provisions of the two last preceding sections, may be entitled to recover any sum from the occupier of any house or of any portion thereof, shall have for the recovery of such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to him by the occupier in respect of such portion of the house as may be in his occupation.

CHAPTER V.

OF THE ASSESSMENT OF HOUSES AND LAND.

98. The estimated gross annual rent at which any house or land, liable to rate under this Act, might reasonably be expected to let from year to year, shall, for the purposes of any rate to be imposed under this Act, be held and be deemed to be the annual value of such house or land.

The value of land so estimated shall not include the value of any machinery thereupon.

Provided that all the unoccupied land, roads, and slopes of the Port Commissioners shall be rated at the rent for which the said land, roads, or slopes might be reasonably expected to let, in the same manner as if the said land, roads, and slopes were used for other than public purposes, and belonged to persons other than a public body, save and except the road extending from the northern boundary of the premises occupied by the East India Railway Company at Armenian Ghât to the Chitpore canal, and the road extending from the Chitpore road to the river Hooghly at Coomartollah Ghât, for a width not exceeding seventy feet and sixty feet respectively, which shall be exempted from assessment of any rate under this Act.

99. All assessments made by the Commissioners prior to the passing of this Act shall remain in force during the period for which they were so made, and on the expiration of such assessments, the annual value at which any house or land is to be assessed shall be fixed by the Commissioners, and such land shall be assessed upon the value so fixed for six years from the date on which it is so fixed.

Annual value to be assessed by the Commissioners, assessment to remain in force for six years

100. If, during the currency of any period mentioned in the last preceding section, any substantial alteration and improvement is made to any such house or land, the Commissioners may cause such house or land to be again assessed, even though such period has not expired, and such last mentioned assessment shall be in force, and the rate shall be imposed according to it, until the expiration of the said period of assessment

101. If, during the currency of any period mentioned in section ninety-nine, any such house or land shall receive substantial injury through fire, cyclone, the act of God, or civil commotion, or suffers material depreciation from any cause proved to the satisfaction of the Commissioners to have been beyond the control of the owner or occupier thereof, the Commissioners shall, as soon as practicable, on application being made to them in writing by the owner or occupier of such house or land, cause such house or land to be again assessed, even though the current period of assessment has not expired, and such last mentioned assessment shall be in force, and the rate shall be imposed according to it, until the expiration of the said period of assessment;

Provided that if any substantial alteration and improvement shall be made, prior to the expiration of the said period of assessment, to the house or land which shall have been again assessed as aforesaid, the Commissioners may cause such house or land to be again assessed as under section one hundred.

102. The annual value assessed by the Commissioners as hereinbefore provided, shall be entered in a book to be kept at the office of the Commissioners, wherein shall also be written in distinct columns—

- (a) the name of the owner;
- (b) the name of the occupier, if the occupier is the person liable to pay the rate;
- (c) a designation of the property, sufficient to identify the same, together with the name and number of the street (if any) in which it is situated;
- (d) the amount of the rate assessed thereon; and
- (e) the amount of the rate assessed on the house and on the land respectively, whenever any rate is payable by the owner of the land, and the said owner is not the owner of the house situated on the said land.

The book required to be kept under this section is hereinafter called the "assessment book."

When the name of the owner or occupier is not known, it shall be sufficient to designate him in the assessment book as the "owner" or "occupier."

Annual value of house or land how to be ascertained

Annual value assessed to be entered in a book

103. The Commissioners shall from time to time make a valuation or measurement of all houses and land within the Town, and for such purpose may divide the Town into such and so many districts as they may think fit, and proceed to make a separate valuation or measurement district by district, and shall enter the same in the assessment book.

104. The Commissioners may require the owner or occupier of any house or land, to furnish them with returns of the measurements and of the rent or annual value thereof; and the Commissioners or any person authorized by them in that behalf, may at any time between the hour of seven in the forenoon and sunset enter on, and inspect, survey, and measure such house or land, after giving a notice in writing of not less than twenty-four hours.

105. Whoever refuses or fails to furnish any such return for the space of one week from the day on which he shall have been required so to do, or knowingly makes a false or incorrect return, and whoever hinders, obstructs, or prevents any Commissioner or any person appointed by the Commissioners as aforesaid, from entering or inspecting or measuring any such house or land shall be liable to a fine not exceeding two hundred rupees for every such offence.

106. When the valuation or measurement of any of the districts of the Town, into which it may have been divided by the Commissioners, shall have been completed, the Commissioners shall give public notice thereof, and of the place where the assessment book, or a copy thereof, may be inspected, by advertisement in at least two of the English daily newspapers, and in two vernacular newspapers, published within the Town, and also by placards posted up in conspicuous places throughout such district of the Town;

and the person in whose custody the assessment book may be, shall permit every person being the owner or occupier of any house or land included in the assessment or measurement, or the agent of such owner or occupier, to inspect the book and to make extracts therefrom without payment of any fee, and every person not being such owner or occupier, to inspect and make extracts, in like manner, on payment of a fee of one rupee.

107. The Commissioners shall, in all cases in which any house or land is for the first time assessed, or in which the valuation or measurement of any house or land previously assessed is increased, give special notice thereof to the owners or occupiers of the same, and when the valuation is increased as aforesaid, the said notice shall state the grounds of such increase.

108. Appeals against any assessment made by the Commissioners under this Chapter shall lie

- (a) to not less than three Commissioners, other than executive officers of the Commissioners;
- (b) to the Court of Small Causes.

In any case of an appeal to the Court of Small Causes under this section the said Court may follow the procedure laid down in sections three hundred and forty-eight and three hundred and forty-nine.

109. Any person desiring to appeal against any assessment made under this chapter, shall, within fifteen days of the notice referred to in section one hundred and six, deliver at the office of the Commissioners a notice in writing, stating the grounds of appeal, and also informing the Commissioners whether he intends to appeal under clause (a) or (b) of the last preceding section.

No appeal shall lie as hereinbefore provided unless the amount of the house-rate for one quarter, under the assessment about to expire, has been deposited with the Commissioners;

and unless the appeal is preferred by the person who, at the time the appeal is made, shall be recorded in the said book as the owner of the house or land to which the appeal refers, or by the occupier thereof, or by the agent of either of them.

110. The Commissioners shall give notice of a day, not being less than fifteen days from the publication of such notice, when they will proceed to hear the appeals under clause (a) of section one hundred and eight.

Every appeal under clause (b) of the said section shall be presented to the Small Cause Court within seven days from the date of the delivery of the notice at the office of the Commissioners under the last preceding section.

111. The assessment by the Commissioners of any rate, when no appeal therefrom is made as hereinbefore provided, and the adjudication of any appeal under the two last preceding sections, shall be final and conclusive.

112. The assessments made by the Commissioners in accordance with the provisions of section one hundred and three, subject to such alterations as may from time to time thereafter be duly made on appeal, shall be entered in the assessment book, and the rate calculated on the said assessment shall, subject to such alterations as aforesaid, be deemed to be the rate for the whole period for which the assessment is made, and this period shall be calculated from the commencement of the quarter succeeding that in which any such amendment shall be so authenticated; and until such date the old assessment shall continue in force, notwithstanding that the period for which the old assessment was made may have expired.

113. The Chairman or Vice-Chairman may at any time amend the assessment book by inserting therein the name of any person whose name ought to be so inserted, or by inserting any house or land liable to the rate, after giving notice, to any person interested in the making of the amendment, of a day, not being less than fifteen days from the date of the service of such notice, when such amendment is to be made; or by striking out the name of any person or any house or land not liable to the rate, or reducing the amount of the assessment, without notice:

and if any amendment shall be made, in cases where notice is required, the same shall be deemed to have been made on the expiration of fifteen days after service of the said notice; and any person interested in such amendment may appeal by application in writing to the Commissioners, to be left at their office three clear days before the day fixed in the said notice for such amendment; and the provisions of sections one hundred and eight and one hundred and nine, shall, so far as may be practicable, apply to such appeal.

114. It shall not be necessary to prepare a new assessment book at the expiration of each period of assessment, but the Commissioners in meeting, other than an ordinary meeting, may adopt the valuation or measurement and assessment contained in any assessment book for any previous period, with such alterations as may in particular cases, be deemed necessary, as the valuation, or measurement and assessment for the period next following;

Provided that sections one hundred and four to one hundred and twelve (inclusive) shall, as far as may be practicable, be applicable to such valuation or measurement and assessment, and to the assessment book or books in which it is contained.

CHAPTER VI.

OF LEVYING THE RATES.

115. When any rate is due, the Commissioners shall cause to be presented, to the person liable to the payment thereof, a bill for the sum due, which shall also contain a statement of the period, and a description of the property for which the rate is charged.

Provided that whenever any rate is payable by the owner of the land, and the said owner is not the owner of the house situated on the said land, the assessment on the land and on the house shall be separately entered in the said bill.

116. If the bill is not paid by the person liable to pay the same within seven days from the presentation thereof, the Commissioners may cause to be served upon such person a notice of demand, in the form contained in the fourth schedule, or to the like effect; and if he shall not, within seven days from the service of such notice of demand, pay the sum due, or show sufficient cause, to the satisfaction of the Commissioners, for non-payment of the same, such sum, with all costs, may be levied by distress and sale of the moveable property of the defaulter, or if the defaulter be the occupier of any house or land in respect of which a rate is due, by distress and sale of any moveable property found on the house or land, under a warrant in the form contained in the fifth schedule, or to the like effect, to be issued for that purpose by the Commissioners.

For every notice of demand under this section which the Commissioners shall cause to be served upon any person, a fee, not exceeding one rupee, shall be paid by such person. Such fee shall be added to the amount of the rate in respect of which the notice is given, and, if not duly paid, shall be levied in the same manner as such rate may be levied.

117. The officer charged with the execution of a warrant of distress under the last preceding section shall make an inventory of the moveable property seized under such warrant, and shall at the time give a notice in writing, in the form contained in the sixth schedule, to the person in possession thereof at the time of the seizure, that the said moveable property will be sold as therein mentioned.

118. If the warrant is not in the meantime discharged or suspended by the Commissioners, the moveable property seized shall be sold under the orders of the Commissioners, who shall apply the proceeds, or such part thereof as may be necessary, in discharge of the said arrears and costs; and the surplus, if any, shall be returned, on demand, to the person in possession of the moveable property at the time of the seizure.

All sales of property under this section shall, so far as may be practicable, be regulated by the procedure now in force or hereafter to be in force in the Court of Small Causes with respect to sale after distress.

Fees shall be payable upon distrains under this Act according to the rates set forth in the Table of Fees in the sixth schedule.

119. The moveable property of any person from whom any rate is due may be distrained, wherever the same may be found, for default in payment of the money due from him.

120. If the sum due on account of any rate from the owner of any house or land remains unpaid after notice of demand has been duly served, the Commissioners may demand the amount from the occupier for the time being of the house or land, and, on non-payment thereof, may recover the same by distress and sale of any moveable property found on the house or land, and, in such case, the occupier may deduct, from the next and following payments of his rent, the amount which may be so paid by, or recovered from, him.

Provided that no arrear of rate, which has remained due from the owner of any house or land for more than one year, shall be so recovered from the occupier thereof.

121. No distress levied under this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser on account of any irregularity committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them in any court of competent jurisdiction.

122. Instead of proceeding by distress and sale, or in case of failure to realize by distress and sale the whole or any part of the sum due in respect of any rate, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

CHAPTER VII.

OF THE WATER-SUPPLY.

123. The Commissioners shall provide a supply

The Commissioners to provide water-supply

of water within the Town, and shall for that purpose cause such mains and pipes to be laid, and such tanks, reservoirs, or other works to be made and constructed, as shall be necessary for the supply of filtered water in all the chief public streets of the Town, and shall also erect, in all such streets, sufficient and convenient stand-pipes or pumps for the gratuitous use of the inhabitants of the Town for domestic purposes.

The said stand-pipes or pumps shall be so placed that there shall not be any portion of any such chief street at a greater distance than one hundred and fifty yards from some such stand-pipe or pump.

124. A supply of water for domestic purposes

What are not domestic purposes

shall not include a supply of water for animals, or for washing carriages, where such animals or carriages are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains, or for watering gardens or roads, or for any ornamental or mechanical purpose.

125. The Commissioners shall, between the

Pressure at which water must be kept.

hours of six in the forenoon and nine in the afternoon, so far as may be reasonably practicable, keep and maintain in their pipes and mains a sufficient supply of filtered water under a pressure of not less than ten feet for the domestic use of the rate-payers, and shall daily, from the hour of seven in the forenoon to nine in the forenoon, and from the hour of five in the afternoon to six in the afternoon, maintain a pressure of water in the service pipes and mains sufficient to raise the water in all houses and places in which the same may be introduced, to a height of not less than fifty feet.

126. The Commissioners may supply water

Supply for business.

through a meter, for purposes other than domestic purposes, provided that the person requiring such supply make application to the Commissioners in writing, specifying the purpose for which such supply is required and the quantity likely to be consumed.

The Commissioners may thereupon, subject to such charges or rates as may have been fixed by the Commissioners in meeting, other than an ordinary meeting, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be fixed by the Commissioners.

127. The occupier of every house shall be

Householder entitled to certain supply of water for domestic use

entitled to have, free of further charge, fifteen hundred gallons of filtered water for every rupee paid to the Commissioners as Water-rate on account of such house, to be supplied from the service pipes of the Commissioners for domestic use through a ferrule of such size as the Commissioners may determine. If the Commissioners have reason to believe that the occupier of any house consumes more filtered water than he is entitled to as aforesaid, it shall be lawful for the Commissioners to provide a water-meter at their own expense, and attach the same to the water-pipes of the said house; and

any water which may be used over and above the quantity to which the occupier is entitled as aforesaid shall be paid for by him at the rate of one rupee for every fifteen hundred gallons.

Provided that no charge shall be made by the Commissioners for unfiltered water supplied under the next succeeding section.

Nothing contained in this section shall apply to houses assessed at less than twelve hundred rupees per annum.

128. It shall be at the option of the Commis-

Commissioners may provide filtered or unfiltered water for latrines

sioners to provide filtered or unfiltered water for all latrines and water-closets; and wherever filtered water has been already supplied to such latrines or water-closets, it shall be lawful for the Commissioners at their own expense, and not otherwise, to stop the supply of filtered water, and in lieu thereof to provide unfiltered water for such latrines and water-closets.

129. All latrines and water-closets now

All latrines to be provided with cistern.

supplied, or hereafter to be supplied, with water, filtered or unfiltered, shall be provided with a cistern of such size and description as the Commissioners shall direct; and all such cisterns shall be put up at the cost of the owner of the house or land so supplied with water.

130. Every person paying the Water-rate

Communication-pipes, &c., to be made of repaired drain-rod and at expense of householder

hereinbefore mentioned shall be entitled to lay down communication-pipes from the service pipes of the Commissioners, for bringing into his house or land a reasonable supply of water for domestic use; provided that the Commissioners shall be at liberty to cut off the supply of water to any house or land during the time the said house or land is unoccupied.

The communication-pipes leading the water from the service pipes of the Commissioners into the house of any rate-payer, and the pipes and works within the house connected therewith, shall be of such character, dimensions, and material as the Commissioners shall fix and approve; and shall be made and constructed at the expense of the person requiring the same.

131. The communication-pipes and all fittings

Communication-pipes, &c., must be made to satisfaction of Officer of the Commissioners.

thereon leading water from the service pipes of the Commissioners into any house or land, and the pipes, works, and fittings inside the house or land, must in all cases be executed subject to the inspection and to the satisfaction of the Commissioners.

Such communication-pipes, works, and fittings may be made by the servants and workmen of the Commissioners, upon such terms as may be agreed upon between the Commissioners and the person requiring the supply, or subject to such charges as may be fixed by the Commissioners;

and the Commissioners may require the amount necessary for the execution of such works to be paid or deposited before such works are executed; and such charges and expenses shall be recoverable in the same manner as the water-rate.

132. The Officer authorized in that behalf by

Power to enter premises.

the Commissioners may, between the hours of seven in the forenoon and five in the afternoon, enter into

or on any house or land supplied with water as aforesaid in order to examine all pipes, works, and fittings, connected with the supply of water, and to ascertain if there be any waste or misuse of such water;

and if such Officer at any such time be refused admittance into such house or land for the purposes aforesaid, or be prevented from making such examination as aforesaid, the Commissioners may forthwith turn off the water from such house or land.

Provided that nothing hereinbefore contained shall authorize an entry into any room appropriated for the zenana or residence of women, which by the custom of the country is considered private, unless a notice in writing of not less than four hours be given.

133. In the event of any pipes, works, or fittings connected with the supply of water to any house or land, being at any time found on examination by any officer of the Commissioners authorized in that behalf to be out of repair to such an extent as to cause any waste of water, the Commissioners may cause the water to be turned off from such house or land, after giving notice in writing of not less than twenty-four hours, and may recover the expense incurred for turning off the water from the occupier of such house or land.

134. If any person supplied with water shall neglect to pay the Water rate hereinbefore mentioned at any of the times of payment thereof, or the charge made for the said water when supplied for other than domestic purposes, the Commissioners may turn off the pipe from the house or land in respect of which such rate or charge is payable, by cutting off the pipe to such house or land, or by such means as the Commissioners may think fit, and may recover the expenses of turning off the water from such person;

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he may otherwise have incurred.

135. The occupier of any house or land in which water supplied by the Commissioners under this Act is, from negligence or other circumstances under the control of the said occupier, wasted, or in whose house or land the pipes, works, and fittings for the supply of water shall be found to be out of repair to such an extent as to cause any waste of water, shall be liable to a fine not exceeding twenty rupees.

136. Any person causing waste of water supplied by the Commissioners shall be liable to a fine not exceeding five rupees.

137. It shall be within the discretion of the Commissioners to allow any person, not residing within the limits of the Town, to take or be supplied with water for his domestic use on such terms as the Commissioners may think fit, other than an ordinary meeting, may from time to time prescribe.

And any person taking or causing to be taken

for use outside the limits of the Town water supplied by the Commissioners without the permission of the Commissioners, shall be liable to a fine not exceeding fifty rupees.

138. It shall not be lawful for any person to execute any work in connection with the laying on of water from any service pipes of the Commissioners to any house or land, unless he shall hold a license from the Commissioners authorising him to act as a plumber under such rules and regulations as the Commissioners may from time to time lay down, and which shall be printed on the back of his license. Any person licensed by the Commissioners as a plumber, who shall infringe or break any rules or regulations under which he holds his license, shall be liable to have his license at once cancelled by the Commissioners, and shall also be liable to a fine not exceeding twenty rupees.

139. Any owner or occupier of any house or land who shall cause or allow works, pipes, or fittings for the supply of water from the service pipes of the Commissioners to be executed by any person other than a plumber licensed by the Commissioners, shall not be entitled to demand a connection with the Commissioners' service pipes.

140. Before a connection for the supply of water from the service pipes of the Commissioners to any house or land is sanctioned by the Commissioners, the Engineer of the Commissioners shall cause all the works, pipes, and fittings within the said house or land to be inspected by a duly qualified officer; and the cost of such inspection shall be payable in advance at such rates as the Commissioners in meeting, other than an ordinary meeting, shall from time to time direct, by the person applying for the said connection; and until the Engineer of the Commissioners shall have certified that the said works, pipes, and fittings have been executed and put up in a satisfactory manner, a connection with the Commissioners' service pipes shall not be permitted.

141. The connection with the service pipes of the Commissioners, as also the laying of supply pipes under any public road or thoroughfare, shall be executed by an officer of the Commissioners authorized in that behalf and by no other person; and the expense of making such connection shall be payable in advance by the person applying for the same, at such rates as the Commissioners in meeting, other than an ordinary meeting, shall from time to time direct.

142. If any licensed plumber shall execute any works or put up any fittings within any house or land for the supply of water from the pipes of the Commissioners in a careless and negligent manner, or make use of bad materials or fittings, the said licensed plumber shall be liable to a fine not exceeding twenty rupees, and

upon a third conviction shall be liable to have his license cancelled at the discretion of the Commissioners.

143. Any person who shall unlawfully flush, draw off, divert, or take water from any water-works belonging to or under the management or control of the said Commissioners, or from any water or streams by which such water works are supplied, shall be liable to a fine not exceeding one hundred rupees.

144. Any occupier holding direct from the owner of any house may, by notice in writing signed by him, require the owner of such house to perform all such necessary works as may be required for bringing into such house a supply of water for domestic use.

Every such notice shall contain an agreement on the part of such occupier to pay interest at the rate of one per cent. per mensem, calculated from the date of the completion of the works, on the cost of such works during the residue of his term of occupation.

Provided that, if the house and the premises belonging thereto shall not abut upon some street in which there is a supply-main, such occupier shall, in the agreement, undertake to pay the cost of connecting the house with the nearest supply-main.

145. If any owner shall not, within the space of three months from the service of such notice as is mentioned in the last preceding section, cause such necessary work as aforesaid to be completed, the occupier, who shall have given such notice, may cause the same to be completed, and may deduct from the rent payable by him the cost of such works, save so much of such cost as may be incurred in connecting with a supply-main any house and premises belonging thereto which may not abut upon a street in which there may be a supply-main; and such deduction shall be made by six equal monthly instalments.

Interest on each such instalment shall be payable to the owner by the occupier at the rate of one per cent. per mensem, from the time when it shall have been so deducted.

146. The supply of water to a house shall not be deemed sufficient for domestic use unless it provides two taps in each floor of such house, one other such tap in the cookroom of or attached to such house, and one other such tap in the premises, or in or near the stables belonging to such house, and the necessary works for such taps.

But if the annual rent of such house, with the land attached thereto, shall be less than three hundred rupees, it shall be sufficient to provide one tap only within the said premises, and the necessary works for the same.

147. No works for introducing a supply of water to any house shall be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such specification and estimate to the owner.

148. In case there shall be any difference between the owner and the occupier respecting the cost or the sufficiency of the proposed works, either the owner or the occupier may refer such difference to the Commissioners, and the written award of the Engineer of the Commissioners, or of any officer authorized by them in that behalf, shall be binding on the owner and the occupier.

149. There shall be payable to the Commissioners in respect of every such reference a fee at the rate of two rupees for every hundred rupees of the monthly rent of the land in respect of the water-supply to which the difference may have arisen: Provided that such fee shall in no case exceed ten rupees, and shall be paid by the person making the reference.

150. Except in the case of a special agreement to the contrary, the owner of any house or land shall bear the expense of keeping all works connected with the supply of water to such house or land in substantial repair. Provided that nothing in this section shall affect the liabilities of parties under leases executed or made previous to the passing of this Act.

151. Any owner to whom any sum is payable under sections one hundred and forty-four and one hundred and forty-five, may recover such sum from the person liable to pay the same as if the same were rent payable by such person for the house in respect of which the expenses have been incurred.

152. All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works, whether made, laid, or erected at the cost of the Commissioners or otherwise, and all bridges, buildings, engines, works, materials, and things connected therewith, or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall become vested in the Commissioners.

153. If any person, being the proprietor of any gas-works, or being engaged or employed in the manufacture or supply of gas, or being the occupier or owner of any place where an offensive trade or manufacture is carried on,

wilfully does any act connected with the said business whereby the water in any stream, tank, reservoir, well, cistern, conduit, aqueduct, or other water-works belonging to the Commissioners is fouled or corrupted, the Commissioners may, after twenty-four hours' notice in writing, lay open and examine any pipes, conduits, and works belonging to such person;

and if, upon such examination, it appears that the water has been fouled or corrupted by anything proceeding from, or contained in, the pipes, conduits, or works examined, the expenses of such examination shall be paid by the person to whom such pipes, conduits, or works belong or under whose management or control they may be;

but if it appear that the water has not been so fouled or corrupted, then such expenses, and all damages occasioned by the examination, shall be paid by the Commissioners.

154. The water-rate and all monies collected, received, or recovered for or in respect of the supply of water or the execution of works, and all fines connected therewith, or in any respect relating to the water-supply, shall be applied by the said Commissioners in defraying the expense of making, extending, or maintaining the said water-works, in paying the interest of money borrowed for the said water-works, and in the liquidation of debts incurred connected therewith, or for some other purpose connected with the supply of water.

CHAPTER VIII.

OF THE POLICE BUDGET.

155. The Commissioner of Police shall, on or before the first day of September in each year, transmit to the Commissioners a Budget or Estimate of the expense of the Police Force for the year commencing on the first day of January then next ensuing.

156. The Police Budget shall show the various heads of the estimated expenditure of the Police Force, and the intended distribution of the Police Force during the year to which it relates.

157. The Chairman shall forthwith, upon the receipt of any such Budget, cause the same to be printed, and a copy thereof, as far as may be practicable, sent by post or otherwise to each of the Commissioners resident within twenty miles of Government House; and shall lay every such Budget before the Commissioners at the next quarterly meeting of the Commissioners, or at a special general meeting.

The Commissioners shall thereupon forward such Budget to the Local Government, with such remarks as to them may seem fit, and it shall be in the discretion of the Local Government to pass, or to reject, or to modify, the estimates of all or any sums entered in the same.

158. If during any period for which a Police Budget shall have been passed and submitted as aforesaid, it shall appear that the amount provided by such Budget is insufficient to defray the necessary expense of the Police Force for such period, the Commissioner of Police may prepare a supplemental Budget for such period, and the provisions of the last three preceding sections shall apply to such supplemental Budget.

159. The amount of the estimates passed shall, after deducting therefrom such amount as may from time to time be allowed by the Government from the General Revenue towards the maintenance of the Police Force, be paid to the Local Government, or to such Officer as the Local Government may from time to time direct, by the Commissioners out of the annual proceeds of the Police rate; and it

shall not be lawful for the Commissioners to expend from the said proceeds any sums for purposes other than those provided in the Budget of the Commissioner of Police and duly sanctioned by the Local Government under section one hundred and fifty-seven.

160. On or before the first day of April in every year, the Commissioner of Police shall present to the Chairman, to be laid before the Commissioners at their next monthly meeting, an account of the expense of the Police Force for the year ending the thirty-first day of December then next preceding, and in case the amount, which shall during such year have been paid to the Local Government under the provisions hereinafore contained, shall not have been expended in the maintenance of the Police Force, the balance remaining unexpended shall be deemed to have been paid by the Commissioners in or towards discharging the expense of the Police Force during the ensuing year.

CHAPTER IX.

OF THE SYSTEM OF DRAINAGE FOR THE TOWN AND ITS ENVIRONS.

161. The Commissioners may carry out such a complete system of sewerage and drainage within the Town as they may think fit, subject to the approval of the Local Government, and to such alterations as may from time to time be ordered by it.

162. The Local Government may determine what portions, if any, of the environs of the Town shall be included in the said system of sewerage and drainage, and may declare the boundaries thereof in the *Calcutta Gazette*, and for the purposes of the Drainage rate the land within such boundaries as aforesaid shall be deemed to be part of the Town.

CHAPTER X.

OF THE REGISTRATION OF BIRTHS AND DEATHS.

163. The Commissioners shall keep in their office a Register of all births and deaths in the Town, and for this purpose shall divide the Town into such and so many districts as they shall think fit, and for every such district shall appoint a person to be a Registrar of births and deaths within such district; and the Commissioners shall at each burning ghât and native burial-ground appoint a Sub-Registrar for the registration of all corpses brought to such burning ghât or burial ground for cremation or interment.

164. Every Registrar shall dwell within the district of which he is Registrar, and every Sub-Registrar shall dwell in the vicinity of the burning ghât or native burial ground for which he is appointed; and they shall cause their names, with the addition of Registrar for the district, or Sub-Registrar for the burning ghât or native

burial ground for which they shall be so appointed, to be placed in some conspicuous place on or near the outer door of their own dwelling-houses; and the Commissioners shall cause to be printed and published a list containing the name and place of abode of every Registrar and Sub-Registrar in the Town.

165. The Commissioners shall cause to be prepared and printed a sufficient number of Register books for making entries of all births and deaths which may take place in the Town, according to the forms prescribed in the eighth and ninth schedules, and the pages of such book shall be numbered progressively from the beginning to the end.

166. Every Registrar shall inform himself of every birth and of every death which shall happen in his district, and shall ascertain and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered according to the forms in the eighth and ninth schedules respectively, touching every such birth and every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

167. The father or mother of every child born in the Town, or in the case of the death, illness, or absence, or inability of the father and mother, the occupier of the house in which such child shall have been born, shall, within eight days after the day of the birth, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars by this Act required to be known and registered touching the birth of such child.

168. Some one of the persons present at the death, or in attendance during the last illness, of every person dying in the Town, or, in case of the death, illness, inability or default of all such persons, the occupier of the house, or if the occupier be the person who shall have died, some person living in the house in which such death shall have happened, shall forthwith give information to the Registrar of the district, or Sub-Registrar at the burning ghât or burial ground, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person:

Provided that, in lieu of the information hereinbefore stated, in the case of persons dying in any hospital it shall be the duty of the Medical Officer in charge forthwith to send a notice in writing to the Commissioners in the form prescribed in the ninth schedule of the occurrence of any death in the hospital under his charge.

169. Any person whose duty it shall be to give information to a Registrar or Sub-Registrar under the two last preceding sections, who shall refuse or neglect to give such information, or who shall give false information, shall be liable to a fine not exceeding twenty rupees.

170. Every person by whom the information contained in any Register of births or deaths under this Act shall have been given, shall sign in the Register his name, description, and place of abode; and no such registration shall be deemed to be complete or of any effect until such person shall have so signed it:

Provided that the Registrar may fill up and sign the Register for any person who is unable to write:

Provided further that in the case of a person dying in any hospital the registration of the death shall be deemed to be complete on receipt by the Commissioners of the written notice from the Medical Officer in charge of the said hospital prescribed in section one hundred and sixty-eight.

171. It shall not be lawful for any sexton, keeper of a cemetery, burial ground, or burning ghât to bury, burn, or allow to be buried or burned, any corpse, unless the said corpse is accompanied by a certificate in the form specified in the ninth schedule, and signed by a Registrar or Sub-Registrar appointed under section one hundred and sixty-three, or by a Medical Officer.

172. Whoever buries, burns, or allows to be buried or burnt, a corpse without the certificate mentioned in the last preceding section, shall be liable to a fine not exceeding one hundred rupees.

OF TAKING A CENSUS

173. At such times and in such manner as the Commissioners may from time to time appoint, an account shall be taken of the number of persons who, at the time of taking such account, shall be within the Town, and the persons employed in taking such account shall set down the several particulars respecting the same which are hereinafter prescribed.

174. The Chairman or Vice-Chairman shall superintend the taking of such account, and shall cause to be prepared and issued, for the use of the persons to be employed, such forms and instructions as he shall, with the sanction of the Local Government, deem necessary; and the expenses thereby incurred shall be paid out of the Municipal Fund.

175. Each Police division of the Town shall be formed into one or more enumeration districts.

176. At such times as shall be appointed under section one hundred and seventy-three, and as shall be notified in the *Calcutta Gazette* by the Local Government, every occupier of a dwelling-house, or of any part of a dwelling-house distinctly occupied, and every person to whom a form, as mentioned in section one hundred and seventy-eight, may have been delivered, shall, at such information in regard to all persons who were abiding in his house, or in the place under his charge, on the night immediately preceding, and in such manner as may under this Act be required, of them

177. The Chairman shall select a sufficient

Persons to be employed as enumerators number of competent persons to act as enumerators; and every such enumerator, under the direction of the Chairman, shall visit every house within his district, and, except as hereinafter provided, shall take an account in writing of the name, sex, age, caste, nationality, and occupation of every living person who shall abide therein on the night immediately preceding the day appointed as aforesaid, and shall also take an account of the occupied houses, and the houses then being built and therefore uninhabited, and also of all other uninhabited houses within his district, and in all respects conform to, and obey, the instructions which may be issued to him by the Chairman in this behalf.

Provided that, in the case of females, no account shall be taken either of their name or age.

178. The Chairman, when he deems such

Forms for Census. a course to be advisable, may cause such a form as shall be sanctioned by the Commissioners in meeting, subject to the approval of the Local Government, to be delivered to any occupier of any dwelling-house who may be able to write, and such occupier shall fill in all the particulars required in the form on the day to be appointed, and shall deliver the same to the person authorized to demand the same.

179. Any military or naval Officers in com-

Military and naval officers and certain others, if required, to act as enumerators. mand of bodies of military or naval men, or of vessels of war, or any master of a merchant vessel, or macedah, or tidal of a vessel or boat, or any person in charge of a lunatic asylum, hospital, or prison, or of any public or private charitable or scholastic institution, or any keepers of hotels or lodging-houses, shall, if required, act as enumerators for the purpose of taking account of persons under their command or charge, or abiding in their houses, on the night immediately preceding the day to be appointed.

180. Whoever, being required under section

Penalty. one hundred and seventy-eight to fill in any form, or under section one hundred and seventy-seven to act as an enumerator, fails so to do, shall be liable to a fine not exceeding one hundred rupees for every such offence.

Every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the Chairman in that behalf.

181. The Chairman shall obtain, by such ways

Returns of houseless persons. and means as shall appear to him best adapted for the purpose, and as shall be sanctioned by the Commissioners in meeting, returns of the particulars required by this Act with respect to all houseless persons, and all persons who, during the said night proceeding the day to be appointed, were on out-door night duty, or for any other reason were not abiding in any house of which account is to be taken by the enumerators.

182. The enumerators shall fill in all forms

Enumerators to fill in for those persons who are unable to write. for those persons who are unable to write.

CHAPTER XI.

OF CONSERVANCY AND IMPROVEMENT.

PART I.—Of the Streets.

183. All public streets in the Town (not

Public streets vested in the Commissioners. being the property and kept under the control of the Government) and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets shall vest in and belong to the Commissioners.

184. The Commissioners, making due compen-

Power to make and improve streets. sation to the owners and occupiers of any houses or land which may be required for any such purposes, may

- (a) lay out and make new streets;
- (b) build and construct new bridges;
- (c) turn, divert, discontinue, or stop up any public street; and
- (d) widen, open, enlarge, or otherwise improve any such street.

For the purposes of this section the Commissioners in meeting may purchase any land necessary for houses and buildings to form any public street, or for the improvement of any public street.

185. The Commissioners shall, so far as the

Maintenance and repair of streets. Municipal Fund permits, from time to time cause the public streets to be maintained and repaired, and for such purpose may do all things necessary for the public safety and convenience.

186. The Commissioners shall cause the public

Gross proceeds of Light-house-rate to be applied for purposes of lighting. streets of the Town to be sufficiently lighted; and the sum applicable annually to the current expenses of lighting the said streets shall be the gross proceeds of the said Light-house-rate and no more; but the Commissioners may expend, out of the Municipal Fund, such further sums as may from time to time be requisite for the purchase, setting up, cleaning and maintenance of lamps, lamp-posts, pipes, and other necessary apparatus.

187. The Commissioners shall cause the public

Cleaning streets. streets to be regularly swept and cleansed; and the dust, dirt, filth, and refuse of every kind whatsoever found thereon to be collected and removed.

188. The Commissioners may cause any number

Dust-boxes in streets. of moveable or fixed dust-boxes or other convenient receptacles, wherein dust, dirt, filth, and refuse, arising from the ordinary domestic use of houses, may be temporarily deposited until removed and carried away, to be provided and placed in proper and convenient situations, and may require the occupiers of houses in public streets to cause all such matter as aforesaid to be deposited daily, or otherwise periodically, in such receptacles and between such hours as they may from time to time direct.

189. Every person who, after such receptacles

Penalty. have been provided, and after such requisition as above mentioned, shall deposit, or cause or permit to be deposited, any such matter in any public street, except in such receptacles, shall be liable to a fine not exceeding ten rupees.

190. Whoever deposits, or suffers to be deposited, any dust, dirt, filth or refuse of any kind whatsoever, in any public street, or on any public quay, jetty, ghaut, or landing place, or on any part of river bank, whether above or below high-water mark, except in such places, and in such manner, and at such hours, as shall be fixed by the Commissioners, shall be liable to a fine not exceeding ten rupees for every such offence.

191. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter belonging to him or being in his house or land, to run, drain, or be thrown or put upon any street (public or otherwise), or causes or allows any offensive matter from any sewer or privy, to run, drain, or be thrown into, a surface drain in any street (public or otherwise), shall be liable to a fine not exceeding ten rupees for every such offence.

192. The Commissioners so far as the Municipal Fund permits, and so far as they may deem requisite for the public convenience, shall cause the chief public streets to be watered; and for that purpose may provide such works and engines as they may think necessary.

193. Whoever builds any wall, or erects, or sets up any fence, rail, post, or other obstruction or encroachment, in any public street, or in or over any drain, sewer, or aqueduct, after the commencement of this Act, shall be liable to a fine not exceeding one hundred rupees and the Commissioners shall have power to remove any such obstruction or encroachment, as also all walls, fences, rails, posts, or other obstruction or encroachment erected in any public street, or in or over any open drain, sewer, or aqueduct, subsequent to the first of June in the year one thousand eight hundred and sixty-three, and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as hereinafter provided.

Nothing herein contained shall prevent the Commissioners from allowing any temporary erections in any public street on occasions of festivals and ceremonies, or for building purposes.

194. Every person who wishes to make or lay out any new street, shall give notice in writing thereof to the Commissioners, showing the intended level and width of such street; and the level and width of every such street shall be fixed or approved by the Commissioners; and the Commissioners may, if they think fit, cause any such street laid out or made at a level or width otherwise than in accordance with the level or width so fixed or approved as aforesaid, to be altered;

or may cause any house, erected in any such street, otherwise than in accordance with such level and width, to be altered, or, if necessary removed,

and the expenses thereby incurred shall be paid by the person offending.

If no such level or width be fixed, and no approval or disapproval of the level or width

proposed be signified by the Commissioners within one month from the delivery of the aforesaid notice at the office of the Commissioners, the intended street may be laid out and made upon the level and of the width specified in the notice.

195. Whoever lays out, makes, or builds upon, any such street, otherwise than in accordance with the level and width so fixed or approved, shall be liable to a fine not exceeding five hundred rupees.

196. If any street or any part thereof, be not levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioners, they may, by notice in writing to the respective owners or occupiers of the land fronting, adjoining, or abutting upon, such parts thereof as may need to be levelled, paved, metalled, flagged, channelled, and sewered, require them to level, metal, pave, flag, channel, and sewer the same within a time to be specified in such notice; and upon non-compliance, the Commissioners may, if they think fit, execute the works mentioned or referred to therein:

and the expenses thereby incurred shall be paid, by the owners in default according to the frontage of their respective lands, and in such proportion as shall be settled by the Commissioners or, in case of dispute, as shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses;

Provided that, after such street shall have been so levelled, paved, metalled, flagged, channelled and sewered, on the requisition of the Commissioners, or by the Commissioners as aforesaid, at the expense of the owners, such owners shall have a right to require that the street shall be declared a public street, to be from time to time repaired by the Commissioners out of the Municipal Fund.

197. If any street be levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioners, they may, if they think fit, and if three-fourths of the owners of houses in such street signify in writing their consent thereto, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street, and be from time to time repaired by them out of the Municipal Fund.

198. The Commissioners in meeting shall, from time to time, cause to be put up or painted on a conspicuous part of some house, wall, or place, at or near each end, corner, or entrance of every public street, the name by which such street is to be known; and whoever destroys, pulls down, or defaces any such name, or puts up any name different from that put up by order of the Commissioners, shall be liable to a fine not exceeding twenty rupees.

199. The Commissioners may, from time to time, fix a number in a conspicuous place on the outer side of any house or at the entrance of the enclosure thereof; and whoever destroys, pulls down, or defaces any such number, shall be liable to a fine not exceeding twenty rupees.

200. All doors, gates, bars, and ground-flood windows (whether hung of placed before or after the commencement of this Act), which open upon any public street, shall be hung or placed so as not to open outwards and cause obstruction;

and if any such door, gate, bar, or window be hung or placed so as to open outwards on any such public street, the owner of the house or land to which the same is attached shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards; and if he neglects so to do, the Commissioners may make such alteration, and the expenses thereby incurred shall be paid by such owner.

201. The owner of every house in any public street shall, within fifteen days after notice from the Commissioners, put up, and

keep in good condition, proper troughs and pipes for catching and carrying the water from the roof and other parts of such house and for discharging the same in such manner as the Commissioners shall direct; and in default of compliance with

such notice within the period aforesaid, such owner shall be liable to a fine not exceeding ten rupees for every day that he shall so make default.

202. The Commissioners may give notice in writing to the owner or occupier of any house to remove or alter any projection, encroachment, or obstruction, which, after the commencement of this Act, shall be erected or placed against or in front of such house or which has been so erected or placed subsequent to the first of June in the year one thousand eight hundred and sixty-three, and such owner or occupier shall within fifteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction or alter the same in such manner as shall have been directed by the Commissioners and in default thereof shall be liable to a fine not exceeding two hundred rupees; and the Commissioners in such case may remove such projection, encroachment, or obstruction; and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as hereinafter provided.

Provided that, when the expense shall have been paid by the occupier, except in the case in which such projections, encroachments, or obstructions were made or put up by him, such occupier shall be entitled to deduct the expense of removing or altering the same from the rent payable by him to the owner of the house.

203. The Commissioners may cause any projection, encroachment, or obstruction, erected or placed against or in front

of any house in any public street, previous to the first of June in the year one thousand eight hundred and sixty-three, to be removed, or altered as they think fit; provided that they give notice of such

intended removal or alteration to the occupier of the house against or in front of which such projection, encroachment,

or obstruction shall be, thirty days before such alteration or removal is begun; and if such projection, encroachment, or obstruction shall have been lawfully made, they shall make

reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the right of any person to compensation when the right thereto is disputed, and the amount thereof, or touching the amount of such compensation when the right thereto is admitted, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses

204 The Commissioners may give permission in writing to the owners or occupiers of houses abutting on any public street or drain or sewer to put up verandahs, balconies, sunshades, weatherframes, and the like, to project from any upper story thereof over any public street, or drain or sewer.

205 The external roofs and walls of huts or other buildings erected or renewed within the Town, after the commencement of this Act,

shall not be made of grass, leaves, mats, or other such inflammable materials; and it shall not be lawful for the owner of any hut or other building, in or near any street (public or otherwise), now having an external roof or wall made of any such material, and which is contiguous to or adjoining to any other building, to suffer such roof or wall to remain after the commencement of this Act unless with the consent in writing of the Commissioners; and whoever makes any external roof or wall of such materials, or suffers any roof or wall made of such materials to continue contrary to the provisions herein contained, and who shall not remove or alter the same within one month after notice given to him for that purpose by the Commissioners, shall be liable to a fine not exceeding ten rupees for every day that such roof or wall shall continue

206 The Commissioners may give notice to the owner or occupier of any house or land to trim or prune the hedges thereof bordering on any public street to a height not exceeding seven feet.

to cut and trim trees overhanging any public street and obstructing the same or causing damage thereto.

and if such notice is not complied with within three days from the date thereof, the Commissioners may cause such hedges and trees to be cut in the manner required, and the expenses thereby incurred shall be paid by the owner of the house or land.

207. No person shall deposit any building materials, or make a hole in any public street, without the permission of the Commissioners in writing; and when such permission is granted to any person, he shall, at his own expense, cause such materials, or such hole, to be sufficiently fenced and enclosed, until the materials are removed or the hole is filled up and otherwise made secure; and shall cause the same to be sufficiently lighted at night.

208. Whoever deposits materials, or makes a hole, without such permission, or fails to fence or enclose, and light, such materials or hole, or does not remove such materials, or fill up such hole, when the permission has been withdrawn, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

PART II.—Of the Drains.

209. All public sewers and drains, and all sewers, drains, tunnels, and culverts, in, alongside, or under the public streets, whether made at the cost of the Commissioners or otherwise, and all works, materials, and things appertaining thereto, shall become vested in the Commissioners.

210. The Commissioners in making any main or other sewers for the drainage of the Town, may, if necessary, carry such sewers through, across, or under any public street, or any place laid out as, or intended for a street, or any cellar or vault which may be under any of the public streets, and (after reasonable notice in writing in that behalf) into, through, or under any land whatsoever, making full compensation for any damage done thereby; and if any dispute shall arise with respect to the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

211. The Commissioners shall maintain, and from time to time repair, and as they think fit, enlarge, alter, arch over, or otherwise improve all or any of the sewers and drains vested in them:

and may discontinue, close up, or destroy such of them as they may deem useless or unnecessary. If by reason of anything done under this section, any person is deprived of the lawful use of any sewer or drain, the Commissioners shall at a place within one hundred feet of the sewer or drain, of the use of which he is deprived, provide the means of drainage into some public sewer, tidal river, or other place into which the Commissioners are empowered to empty their sewers, and thereupon the owner shall make a drain leading thereunto, of such materials, of such size, at such level, and with such fall, as the Commissioners shall direct;

and if he neglect to do so within a reasonable time, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the owner.

212. The Commissioners shall, so far as the Municipal Fund permits, cause the sewers and drains vested in them to be so constructed, maintained, and kept, as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied;

and for the purpose of flushing, cleansing, and emptying the same, may construct and place, either above or underground, such reservoirs, sluices, engines, and other necessary works;

and may also, with the sanction of the local Government, cause all or any of such sewers and drains to communicate with, and be emptied into, any tidal river or other fit place, or cause the refuse from such sewers and drains to be conveyed by a proper channel to the most convenient site for its deposit, and may sell the same for any agricultural or other purpose as may be deemed most expedient, but so that the same shall not become a nuisance.

213. When the contents of any sewer or drain, or any other flow of filth or refuse, are discharged into any river or stream, in the bed or channel of which the quantity of water at any season of the year is so much diminished, by natural or artificial causes, as to be insufficient to keep such channel clean or clear, the Commissioners, with the sanction of the Local Government, so far as the Municipal Fund permits, shall make such alteration in the bed of such river or stream as may prevent such sewer and drain-water from spreading over the surface of such bed, or from accumulating and stagnating in parts thereof, to the injury of health or the annoyance of the surrounding population.

214. If any person, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners, the Commissioners may cause such branch drain to be demolished, altered, re-made, or otherwise dealt with as they shall think fit;

and the expenses thereby incurred shall be paid by the person making or altering such branch drain.

215. Whoever, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners by this Act, shall be liable to a fine not exceeding two hundred rupees.

216. If any house or land within the Town and within a reasonable distance of a sewer fit for use, or of some tidal river or other place at which the Commissioners are empowered to empty their sewers, be at any time not drained to the satisfaction of the Commissioners by sufficient drains, or pipes communicating with some sewer, tidal river, or other place as aforesaid, the Commissioners may, if the owner neglects to do so within fifteen days after notice, construct or lay through or from such house or land, covered drains, or pipes, of such materials, of such size, at such level, and with such fall, as they shall think necessary for the complete draining of such house or land; and the expenses thereby incurred shall be paid by the owner.

217. The Commissioners themselves may construct and lay down such portions of the drains mentioned in sections two hundred and eleven, two hundred and sixteen, two hundred and nineteen, and two hundred

and sixty-four as may be carried through or under any public drain, aqueduct, or street, and the expenses thereby incurred shall be paid by the owner.

218. The Commissioners may cause the works mentioned in the said sections to be supervised while in progress, and from time to time during their execution order such reasonable alterations therein, additions thereto, and abandonment of part or parts thereof, as may to the Commissioners appear, on the fuller knowledge afforded by the opening of the ground, requisite to secure the complete and satisfactory execution of such works as aforesaid.

219. If it appear to the Commissioners that a group or block of houses may be drained or improved more economically or advantageously in combination than separately, and a sewer of sufficient size already exists, or is about to be constructed, within one hundred feet of any part of such group or block of houses, the Commissioners may cause such group or block of houses to be drained and improved by a combined operation;

and the expenses thereby incurred shall be paid by the owners of such houses in such proportions as shall to the Commissioners seem fit.

220. All sewers and drains in streets (public or otherwise), shall be provided by the Commissioners or by the persons to whom they severally belong, with proper traps or other coverings or means of ventilation, so as to prevent stench.

If the owner of any private sewer or drain shall, for ten days after notice given to him by the Commissioners neglect or delay to provide proper traps or coverings or means of ventilation as aforesaid, the Commissioners may forthwith provide and apply the same;

and the expenses thereby incurred shall be paid by the owner.

221. The Commissioners may erect on, or fix to, any house such pipes as they may deem necessary for the proper ventilation of the sewers belonging to them, and such pipes shall be carried to a height of not less than six feet above the highest part of the house, and erected so as not to occasion any nuisance or inconvenience to any house in the neighbourhood.

222. All branch-drains, as well within as without the house or land to which they belong, and all privies and cess-pools within the Town, shall be under the survey and control of the Commissioners and shall be altered, supplied with water, connected with a sewer, repaired, stopped up, demolished, and kept in proper order at the costs and charges of the owner of the house or land to which the same belong, or for the use of which they are constructed or continued;

and if the owner of any house or land to which any such drain, privy, or cess-pool belongs, neglect, during eight days after notice in writing for that purpose, to alter, lay water to, connect with a sewer, repair, stop up, demolish, or put in good

order the same, in the manner required by the Commissioners, the Commissioners may cause such drain, privy, or cess-pool to be altered, supplied with water, connected with a sewer, repaired, stopped up, demolished, or put in good order, and the expenses thereby incurred shall be paid by the owner.

223. If any branch-drain, privy, or cess-pool be constructed contrary to the directions and regulations of the Commissioners or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners constructs, re-builds, or unstops, any branch-drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, the Commissioners may cause such amendment or alteration to be made in any such drain, privy, or cess-pool, as they think fit; and the expenses thereby incurred shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, re-built, or unstopped.

224. Whoever constructs any drain, privy, or cess-pool, after the commencement of this Act, contrary to the directions and regulations of the Commissioners or contrary to the provisions of this Act, or, without the consent of the Commissioners, constructs, re-builds, or unstops any drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, shall be liable to a fine not exceeding fifty rupees.

225. The Commissioners, or any Officer authorized by them in that behalf, may inspect any branch-drain, privy, or cess-pool, and for that purpose, at any time between sunrise and sunset, after one hour's notice in writing to the occupier of the house or land to which such drain, privy, or cess-pool is attached, may enter upon such house or land with such assistants and workmen as are necessary, and cause the ground to be opened where they or he may think fit, doing as little damage as may be;

and if, upon such inspection, it appears that such drain, privy, or cess-pool is not in good order and condition, or that it has been constructed contrary to the provisions of this Act, the expenses of such inspection shall be paid by the person to whom such drain, privy, or cess-pool may belong;

but if the drain, privy, or cess-pool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Commissioners or Officer as aforesaid shall cause the ground to be closed and made good as soon as may be, and the expenses of opening, closing, and making good such drain, privy, or cess-pool, shall in that case be paid by the Commissioners.

Provided that nothing hereinbefore contained shall authorize an entry into any room appropriated for the zenana or residence of women, which by the custom of the country is considered private, unless a notice in writing of not less than four hours be given.

226. Whoever throws or puts, or permits his servants to throw or put, any earth, dirt, ashes, garden, kitchen, or stable refuse, or any broken glass or earthen-ware, or other rubbish, or, until suitable sewers shall be provided, any night-soil, into any sewer or drain belonging to the Commissioners, or into any drain communicating therewith, shall be liable to a fine not exceeding fifty rupees for every such offence, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

227. No person shall, without the permission of the Commissioners in writing, construct or keep any latrine, urinal, cess-pool, house-drain, or other receptacle for filth, sewage, house-drainage, or other offensive matter, within fifty feet of any public tank, or a tank which the inhabitants of any locality are entitled to use. Any person upon whose land any latrine, urinal, cess-pool, house-drain, or other receptacle so situated shall be now existing or hereafter constructed, shall remove the same within forty-eight hours of the receipt of a written notice from the Commissioners.

228. Any person failing to comply with the notice mentioned in the last preceding section shall be liable to a fine not exceeding twenty rupees, and to a further fine, not exceeding three rupees, for every day that the latrine, urinal, cess-pool, house-drain, or other receptacle remains within the limits aforesaid.

PART III.—Of General Conservancy

229. The Commissioners, from time to time, may appoint

- the hours within which night-soil or other offensive matter may be removed;
- the kind of cart or other receptacle in which it may be removed;
- the route by which such cart or receptacle shall proceed.

230. When the Commissioners have fixed such hours and given public notice thereof, whoever removes or causes to be removed along any street (public or otherwise) any such offensive matter at any time, except within the hours so fixed, and also, whoever

at any time, whether such hours have been fixed by the Commissioners or not, uses for any such purpose any cart, carriage, or other receptacle or vessel, other than that approved and sanctioned by the Commissioners, or slops or spills any such offensive matter in the removal thereof, or does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or

places or sets down in any public place any vessel containing such offensive matter, or drives, or takes, or causes to be driven, or taken, any cart, carriage, receptacle, or vessel used for any such purpose as aforesaid, through any street (public or otherwise), or by any route other than that, from time to time, by public notice appointed for that purpose by the Commissioners, shall be liable to a fine not exceeding twenty rupees for every such offence.

231. The Commissioners shall, from time to time, appoint or provide places for the deposit of dust, dirt, filth, and any other refuse whatsoever collected and removed in accordance with this Act; and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes of this Act.

232. Whoever, being the occupier of any house or land, keeps or suffers to be kept any dirt, dust, filth, or refuse of any kind whatsoever for more than twenty-four hours, otherwise than in a proper receptacle, or suffers such receptacle to be in a filthy or noxious state, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

233. All dirt, dust, filth, and any other refuse whatsoever, collected from the streets (public or otherwise), houses, privies, sewers, and cess-pools shall belong to the Commissioners, who may sell or dispose of the same as they may think proper, and the money arising from the sale thereof shall form part of the Municipal Fund.

234. If any house or land, by reason of abandonment, or of disputed ownership, or other cause, shall

remain untenanted, and thereby become a resort of idle and disorderly persons; or become in a filthy or unwholesome state; or be complained of by any two or more of the neighbours as a nuisance,

the Commissioners, after due enquiry, may cause notice in writing to be given to the owner, or to the person claiming, or believed to be the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door of the house or some conspicuous part of the land, requiring the persons concerned therein, whoever they may be, to secure, enclose, clean, or clear the same;

and if such notice shall not be complied with within eight days, the Commissioners shall cause the necessary work to be executed, and the expenses thereby incurred shall be paid by the owner, or, in case of abandonment or disputed ownership, by the sale of any material found upon such house or land, and the provisions of section two hundred and sixty-one shall be applicable to such sales.

235. The Commissioners may provide and maintain in proper and convenient situations, so as not to create a nuisance, common necessaries and urinals, and shall cause the same, when provided, to be kept in proper order and to be daily cleansed.

236. The Commissioners may license, for any period not exceeding one year, such necessaries for public accommodation, and such, to be kept as they may, from time to time, think proper; and may at any time, on giving one month's notice, cancel any license granted under this section, if it shall seem proper to them to cancel it.

No person shall carry on the business of a toll-mechanic without obtaining a license from the Commissioners.

237. Whoever keeps any public necessary, or any tola mehters' depôt without a license, as mentioned in the last preceding section, or having a license, suffers such public necessary or tola mehters' depôt to be in a filthy or noxious state, shall be liable to a fine not exceeding one hundred rupees for every such offence, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence; and whoever shall carry on the business of a tola mehter without obtaining a license from the Commissioners shall be liable to a fine not exceeding twenty rupees.

238. The Commissioners in meeting, other than an ordinary meeting, may, by advertisement in at least two of the daily newspapers published within the Town and by placards posted up in conspicuous places throughout the Town, or any portion thereof, declare that the duties usually performed by tola mehters within the boundaries specified in the aforesaid advertisement shall be performed by an establishment under the control of the Commissioners, and the Commissioners shall make suitable provision accordingly.

When the Commissioners have made such provision, the occupier of any house or land in respect of which such duties are performed shall be liable to pay in respect of the same such fees as may be imposed by the Commissioners in meeting, other than an ordinary meeting; and the said fees shall be recovered from such occupier as a rate under Chapter VI.

239. The owner or occupier of any land having a privy on it shall have such privy shut out by a sufficient roof, and wall or fence, from the view of persons passing by or residing in the neighbourhood; and no person shall keep a privy with a door or trap-door opening on to any street (public or otherwise) or drain.

Every owner or occupier who shall omit to comply with, or shall commit any breach of, any of the provisions of this section, shall be liable to a fine not exceeding ten rupees, and to a further fine, not exceeding five rupees, for each day the offence is continued after he has been convicted of such offence. Provided that the Commissioners may, in their discretion, permit the continuance, for such time as they may fix, of any such privy with a door or trap-door opening on to any street (public or otherwise) where such privy already exists and does not create a nuisance.

240. If the Commissioners think that any privy or additional privy should be provided for any house or land, the owner of such house or land shall, within fourteen days after notice in that behalf by the Commissioners, cause such privy, together with the necessary pipes, drains, and water-supply, to be constructed, in accordance with the requisition of such notice; and if such privy be not so constructed to the satisfaction of the Commissioners within such period, the Commissioners may cause such privy, together with the necessary pipes, drains, and water-supply, to be so constructed, and the expenses thereby incurred shall be paid by the owner.

241. No milkman, cartman, shepherd, livery stable-keeper, or keeper of hackney carriages shall keep any animals, sheep, goats, or horned cattle within the Town for the purposes of trade or business except in a place licensed by the Commissioners.

Such license shall be taken out half-yearly, on the first day of January and the first day of July in every year.

It shall be in the discretion of the Commissioners in meeting to grant any such license subject to such conditions as they may think fit, and impose a fee not exceeding five rupees in respect of the same.

242 Whoever, being a milkman, cartman, shepherd, livery stable-keeper, or keeper of hackney carriages, keeps any animals, sheep, goats, or horned cattle without such license, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

243 Whoever, being the holder of a license under section two hundred and forty-one, breaks the conditions of such license, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

244. No person shall keep any pig-stye within the Town to the front of any street (public or otherwise), not being shut out therefrom by a sufficient wall or fence, and no person shall keep within the town, without the permission of the Commissioners, more than ten pigs, or more than twenty sheep or goats.

245. Whoever keeps any pig-stye, pigs, sheep, or goats, contrary to the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

246. When the pavement or surface of any public street, or when any sewer or drain, shall be opened or broken up by the Commissioners, they shall, with all convenient speed, complete the work on account of which the same shall have been broken up, and fill in the ground, and make good the pavement and surface, and the sewer or drain so opened or broken up, and carry away the rubbish occasioned thereby; and shall, in the meantime, cause the place where such pavement or surface shall be so opened or broken up to be fenced and guarded and sufficiently lighted during the night.

247. If the Commissioners deem it necessary for the purposes of this Act to raise, sink, or otherwise alter the situation of any water-pipe or gas-pipe, or other water-works or gas-works, laid in any street, (public or otherwise) they may, from time to time, by notice in writing, require the person to whom

Milkmen, &c., not to keep animals or cattle without license

Penalty

Penalty

Regarding pig-styes, sheep, and cattle

Penalty

Commissioners breaking up street to rest on the same with all convenient speed

Situation of gas and water-pipes may be altered by the Justices.

any such pipes or works belong, or under whose control they may be, to cause forthwith, or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position, in such manner as the Commissioners direct.

Such alteration shall not be such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before;

and the expenses attending such raising, sinking, or altering, and full compensation for the damage done thereby, shall be paid by the Commissioners, as well to the persons to whom such pipes or works belong, as to all other persons.

And if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

248. If the person to whom any such pipes or works as are mentioned in the last preceding section belong, or under whose control they may be, do not proceed forthwith, or as soon as conveniently may be after the receipt of the notice mentioned in the last preceding section, to cause the same to be raised, sunk, or altered in such manner as the Commissioners require, the Commissioners may themselves cause such pipes or works to be raised, sunk, or altered, as they may think fit, provided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

249. The Commissioners may, at their discretion, set apart any public ghât or place (not being private property, or part of the river or river bank of the Port of Calcutta), for the purpose of being used as a bathing place; provide or set apart a sufficient number of convenient tanks, or runs of water, for the inhabitants to bathe in; and set apart tanks or reservoirs, or runs of water, for washing animals or clothes, or for any other purpose connected with the health, cleanliness, and comfort of the inhabitants.

250. Whoever bathes in any public place, except the places provided or set apart under the last preceding section, shall be liable to a fine not exceeding fifty rupees.

251. When any private tank or low marshy ground, or any waste or stagnant water, being within any private enclosure, appears to the Commissioners to be injurious to health or to be offensive to the neighbourhood, the Commissioners may require, by notice in writing, the owner of the same to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if he shall refuse or neglect to comply with such requisition during one month from the service thereof, the Commissioners, their Officers, and workmen, may enter into the said premises, and do all necessary acts for all or any of the purposes aforesaid as they shall think fit; and the expenses thereby incurred shall be paid by the owner.

252. Whoever, being an owner of land, fails to comply with the requisition mentioned in the last preceding section, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

253. The Commissioners may from time to time, as they shall think fit, drain off into any sewers belonging to them, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure), which shall appear to them to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or otherwise; and the Commissioners, their Officers, and workmen, may do all necessary acts for effecting any of the purposes aforesaid.

254. The Commissioners, in executing any works under this Act, shall provide and make, at their own expense, a sufficient number of convenient ways, water-courses, drains, and channels, in the place of such as may be interrupted, injured, or rendered useless by reason of the execution of such works; and if any difference arises between the Commissioners and the persons affected thereby, such difference shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

255. The Commissioners shall, during the construction or repair by them of any of the streets, sewers, or drains vested in or belonging to them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining houses; and shall cause such bars, chains, or posts to be fixed across or in any street (public or otherwise), to prevent the passage of carriages, carts, cattle, or animals, while such works are carried on, as to them shall seem proper; and shall cause any sewer or drain, or other works in streets (public or otherwise), during the construction or repair thereof by them, to be sufficiently lighted and guarded during the night.

256. If any building, tank, well, or hole, or other place be, for want of sufficient repair, protection, or enclosure, dangerous to passengers or to persons living in the neighbourhood, the Commissioners may, by notice in writing, require the owner of the land to repair, protect, or enclose the same; and if he fails to comply with such requisition during eight days from the service thereof, the Commissioners shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom; and the expenses thereby incurred shall be paid by the owner of the property so repaired, protected, or enclosed.

257. Whoever, being an owner of land, fails to comply with the requisition mentioned in the last preceding section, shall be liable to a fine not exceeding two hundred rupees,

and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

PART IV.—Of Building Regulations.

258. The Commissioners may, upon such terms as they shall think fit, allow any house to be set forward for improving the line of public streets for improving the line of any public street in which such house is situated.

259. When any house, any part of which projects beyond the regular line of a public street, or beyond the front of the house on either side thereof, has been taken down in order to be re-built or altered, the Commissioners may require the same to be set back to or towards the line of the street or the line of the adjoining houses.

Provided that the Commissioners shall make full compensation to the owner of any such house for any damage he may thereby sustain, and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

260. If any house, or wall, or anything affixed thereon, be deemed by the Commissioners to be in a ruinous state, or likely to fall, or in any way dangerous to the inhabitants of such house or to the neighbouring houses, or to the occupiers thereof, or to passengers, they shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door or other conspicuous part of such house, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, repair, or secure, such house, wall, or thing affixed thereon as the case shall require.

If such owner or occupier do not begin to take down, repair, or secure the same within three days after such notice, and complete such work with due diligence, the Commissioners shall cause all or so much of such house, wall, or thing as they shall think necessary, to be taken down, repaired, or otherwise secured; and the expenses thereby incurred shall be paid by the owner.

261. If any such house, or wall, as is mentioned in the last preceding section, or any part of the same, be taken down as in such section mentioned, the Commissioners may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any surplus arising from such sale to the owner of such house, or wall, on demand.

The Commissioners shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as by this Act are given to them for compelling the payment of the whole of the said expenses.

262. Before beginning, within the Town, to build or re-build any house, the person intending to build or re-build such house shall give to the Commissioners notice thereof in writing, and shall accompany such notice with a plan, showing the levels and width at which the foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Commissioners.

Within fourteen days after receiving such notice as is mentioned in the last preceding section, the Commissioners shall signify their approval of the proposed levels and width of foundation, or, if they disapprove thereof, they shall fix other levels and width of foundation in lieu thereof within the same time.

264. If such building as is mentioned in the two last preceding sections be begun or made without sending such notice and plan as are mentioned in section two hundred and sixty-two or at any levels different from those fixed by the Commissioners within the said fourteen days, or in any other respect contrary to the provisions of this Act, the Commissioners may, if necessary, cause such building to be altered or demolished as the case may require;

and the expenses thereby incurred shall be paid by the person failing to comply with the provisions aforesaid.

265. If the Commissioners fail to signify in writing their approval or disapproval of the levels and width of foundation shown on such plan as is mentioned in the last preceding section, and to fix other levels and width of foundation within fourteen days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding anything heretofore contained, proceed to build or re-build the house therein referred to, according to the levels and width of foundation shown on such plan.

Provided that such building or re-building be otherwise in accordance with this Act.

The word "house" in this and the three last preceding sections does not include a hut.

266. Every person intending to build or take down any house, or to alter or repair the outward part of any house, where

any public street will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up, in order to separate the house where such works are being carried on from the street, and shall keep such hoard or fence standing and in good condition, to the satisfaction of the Commissioners, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night.

Provided that no person shall put up a hoard or fence without the written permission of the Commissioners, and shall not keep up the said hoard or fence for a time longer than allowed in the said written permission.

267. Every person, who begins to build, or to take down or alter, or repairs any house contrary to the provisions of the last preceding section, or who, without license, erects or sets up any hoard, scaffolding, or fence whatsoever, or who, being licensed, fails to put up such fence or hoard, or to continue the same standing, or to maintain the same in good condition, or who does not, while the said hoards or fences are standing, keep the same sufficiently lighted during the night, or who does not remove the same, when directed by the Commissioners, within eight days, shall be liable to a fine not exceeding fifty rupees for every such offence, and a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

House over sewers, &c., not to be erected without consent of the Commissioners.
268. No house shall be newly erected over any sewer or drain belonging to the Commissioners without their written consent;

and if any house be so erected, the Commissioner may cause such house to be pulled down or otherwise dealt with as they may think fit; and the expenses thereby incurred shall be paid by the person so erecting the house.

269. No house shall be built within the Town upon a lower level than will allow of the drainage of such house or building being led into some public sewer then existing or projected, or into some tidal river or other place into which the Commissioners are empowered to empty their sewers.

270. If any house newly erected or re-built within the Town have such means of drainage, as in the last preceding section mentioned, existing within one hundred feet thereof, the owner shall make a drain leading thereunto from the site of such house of such materials, of such size, at such level, and with such fall as the Commissioners may direct;

and if he neglect to do so within a reasonable time, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the owner.

271. It shall not be lawful for any person to erect a hut, or any range or block of huts or sheds, or to add any hut or shed to any range or block already existing at the commencement of this Act, without previous notice to the Commissioners, and the Commissioners may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines, of such width as they may think proper for ventilation and to facilitate scavenging, and with such number of privies and with such means of drainage as to them may seem necessary, and at such a level as will admit of such drainage, and with a plinth at least two feet above the level of the nearest public street.

272. If any such huts or sheds be built without giving such notice to the Commissioners or otherwise than as required by the Commissioners, the Commissioners may

give notice to the owner or occupier thereof, by affixing a notice to some conspicuous part of some one of such huts or sheds, to take down and remove the same within one month or to effect such alterations as they may deem necessary; and it shall be lawful for the Commissioners, if they shall think fit so to do, to cause the same to be taken down and removed, and the expense incurred in doing so shall be paid by the said owner or occupier thereof, and shall be recoverable as hereinafter provided.

273. Whoever erects a hut or any range or block of huts or shed, or adds to any hut or shed, or to any range or block already existing, contrary to the provisions of section two hundred and seventy-one, shall be liable to a fine not exceeding one hundred rupees for every such offence, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

274. Whenever the Commissioners in meeting, other than an ordinary meeting, are satisfied, from inspection, or by report of competent persons, that any existing block of huts in the Town is, by reason of the manner in which the huts are constructed or crowded together, or of the want of drainage and the impracticability of scavenging, attended with risk of disease to the inhabitants or the neighbourhood, they may cause the locality to be inspected by two medical officers, who shall make a report in writing on the sanitary condition of the said block of huts, and shall specify, if necessary, in the said report the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

275. On receipt of the said report the Commissioners in meeting, other than an ordinary meeting, may cause a notice to be served upon the owners or occupiers of the huts, or at the option of the Commissioners, the owner of the land on which such huts are built, requiring them to carry out and execute, within a reasonable time, to be fixed by the Commissioners for such purpose, all or any of the works specified in the aforesaid report, or any portion thereof respectively.

276. If after the service of the said notice, such owners or occupiers, or the owner of the land, shall refuse or neglect to carry out and execute the said works within the time appointed, the Commissioners may cause all or any of the said works, or any portion thereof respectively, to be executed, and the expenses thereby incurred shall be paid by the owner of the land.

Provided that the Commissioners in meeting, other than an ordinary meeting, may order the expenses so incurred to be recovered by instalments from the said owner, or if it should appear to them that the said owner is unable by reason of poverty to pay the same, may order the same or any portion thereof to be paid out of the Municipal Fund.

277. If any of the said huts be pulled down, the Commissioners shall cause the materials of each hut to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the hut; or if the owner be unknown, or the title disputed, shall be held in deposit by the Commissioners until the person interested therein shall obtain the order of a competent court for the payment of the same.

The Court of Small Causes shall be deemed a competent court for that purpose.

278. In case the Commissioners should omit to take any action under sections two hundred and seventy-four and two hundred and seventy-five, or in the opinion of the Local Government, should fail to give effect to the provisions thereof, the Local Government may cause any block of huts to be inspected by the Sanitary Commissioner for Bengal, who shall make a report in writing to the Local Government on the sanitary condition of the locality and, in the event of his reporting that the sanitary condition of the locality is such as to be attended with risk of disease to the inhabitants or the neighbourhood, shall specify the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

279. On receipt of the said report the Local Government may order the Commissioners to serve a notice on the owners or occupiers of the huts, or on the owner of the land on which such huts are built, requiring them to carry out and execute, within a reasonable time, to be fixed by the Local Government for such purpose, all or any of the works specified in the said report, or any portion thereof respectively; and upon service of the said notice the Commissioners may proceed as provided in section two hundred and seventy-six, and shall be liable to all or any of the obligations imposed upon them by section two hundred and seventy-seven.

280. If the Commissioners make default in carrying out the said order of the Local Government, the Local Government may appoint some officer to perform the same, and such officer may exercise such of the powers conferred upon the Commissioners by sections two hundred and seventy-five and two hundred and seventy-six, as are necessary for the execution of the said works, and shall be liable to all or any of the obligations imposed upon the Commissioners by section two hundred and seventy-seven, and the expenses incurred by such officer in the execution of the said works shall be paid by the owner of the land.

Provided that the Local Government may order the expenses so incurred to be recovered by instalments from the said owner, or if it should appear to the Local Government that the said owner is by reason of poverty unable to pay the same, may order the same or any portion thereof to be paid out of the Municipal Fund.

CHAPTER XII.

OF SANITARY MATTERS.

PART I.—Of Slaughter-houses, food, drink, drugs, and offensive trades.

281. No place shall be used as a slaughter-house within the Town or Suburbs unless a license in writing for the use thereof as a slaughter-house has been obtained from the Commissioners in meeting, other than an ordinary meeting, who may, at their discretion, from time to time, grant such license.

Provided that no such license be granted by the Commissioners for the use of any place situated in the Suburbs as a slaughter-house without the permission in writing of the Municipal Commissioners of the Suburbs, except such place has been used as a slaughter-house before the passing of this Act; and provided further that all fees levied by the Commissioners for licenses to use places situated in the Suburbs as slaughter-houses be paid by the Commissioners to the Municipal Commissioners of the Suburbs.

282. The Commissioners in meeting, other than an ordinary meeting, may, from time to time, if they shall think fit, provide places within or without the Town for the purpose of being used as slaughter-houses; and all places within or without the Town heretofore provided by the Commissioners for the purpose of being used as slaughter-houses shall be deemed to have been provided under this section.

Provided that the Commissioners shall annually pay one thousand rupees to the Municipal Commissioners of the Suburbs by way of license fee for the slaughter-house established by the Commissioners at Tenzah.

283. Every owner, or occupier, or farmer, of any place for the sale of meat, poultry, fish, or vegetables, or of any slaughter-house, within the Town, shall cause such drains to be made therein as shall be considered sufficient by the Commissioners and (if required so to do by the Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided, sufficient for keeping such place, shop, or slaughter-house in a clean and wholesome state.

284. If such owner, occupier, or farmer, after notice in writing given to him by the Commissioners that such market or slaughter-house is defective in any of the said particulars, and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a fine not exceeding fifty rupees for every day during which such default is continued.

285. Any Justice of the Peace, on the application of the Commissioners or any of their Officers, setting forth that there is just cause to believe that any article which has been rendered or has become noxious or unfit for use as food or drink for man, is in the possession of any person for the purpose of being sold or offered or

exposed for sale may grant a warrant to enter upon the premises of such person, and to search for and seize such article;

and if it appear to the said Justice of the Peace that the same is noxious or unfit for such use, he shall order it to be forfeited and disposed of in such way as to him shall seem proper.

286. The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall, or place used for the sale of meat, poultry, fish, vegetables, corn, bread, flour, wine, spirits, or other food or drink, or as a slaughter-house, and may examine any of the aforesaid articles of food or drink which may be therein; and in case any of the aforesaid articles of food or drink appear to be intended for the food or drink of man, and to be unfit for such food or drink, may seize the same;

and if it appear to a Justice of the Peace that any of the aforesaid articles of food or drink is unfit for the food or drink of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food.

287. Any Justice of the Peace before whom any person is convicted of an offence contrary to the provisions of this Act relating to slaughter-houses, or of the non-observance of any of the bye-laws relating thereto made under this Act, in addition to the fine which may be imposed on such person under this Act, may suspend, for any period not exceeding two months, the license granted to him under section two hundred and eighty-one;

and the Commissioners, upon the conviction of any person for a second or other subsequent like offence, may cancel his license.

288. Whoever, during the period for which any such license is suspended, or after the same is cancelled as aforesaid, slaughters cattle, or allows cattle to be slaughtered in the slaughter-house to which such license relates, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

289. No place shall be kept for the sale of drugs unless the same shall have been registered in the office of the Commissioners. Any keeper of such place failing to register the same within two months after the commencement of this Act shall be liable to a fine not exceeding fifty rupees.

290. The Commissioners or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any place kept for the sale of drugs, or in which drugs are sold, and if they have reason to suspect that any drug in the said place is adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, may remove the same on giving a receipt, specifying the nature and quantity of the drug removed, and its approximate

value; and if it appear to a Justice of the Peace that the said drug removed as aforesaid is adulterated as aforesaid, he may order the same to be destroyed or to be so disposed of as to him may seem fit; if it shall appear to the said Justice that the drug so removed is not adulterated as aforesaid, the person from whose shop or place it has been taken shall be entitled to have it restored to him, and it shall be in the discretion of the said Justice to award him such compensation as he may think proper, not exceeding the actual loss which has been sustained.

If the drug removed as aforesaid is not brought before a Justice of the Peace it shall be restored to the person from whose shop or place it was taken, and such person shall be entitled to compensation for any actual loss which he may have sustained by the removal of the said drug, and any dispute which may arise touching the amount of compensation to be given shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

291. The owner or occupier of every place within the Town, used for any of the following purposes, namely—

- (a) melting tallow;
- (b) boiling offal or blood;
- (c) as a soap-house;
- (d) oil-boiling-house;
- (e) dyeing-house;
- (f) tannery;
- (g) brick, pottery, or lime kiln;
- (h) sugo-manufactory;
- (i) manufactory or place of business from which offensive or unwholesome smells arise;
- (j) or as a yard or depot for hay, straw, wood, or coal;

shall register the same at the office of the Commissioners, in a book to be kept by them for that purpose.

292. No place shall be newly used within the Town for any of the purposes mentioned in the last preceding section except under a license from the Commissioners who may, at their discretion, from time to time, grant such license.

293. Whoever, without a license, uses any such place for such purpose, shall be liable to a fine not exceeding five hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the said offence is continued after he has been convicted of such offence.

294. If it be shown to the satisfaction of the Commissioners that any place, licensed under section two hundred and eighty-one or two hundred and ninety-two, or registered under section two hundred and ninety-one, is a nuisance to the neighbourhood, they may give notice to the occupier to discontinue the use of such place within one month after the date of such notice.

295. Whoever, after the expiration of such time, uses such place, or permits it to be used, in such a manner as to be a nuisance to the neighbourhood, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding one hundred rupees, for each day during which the offence is continued after he has been convicted of such offence.

PART II.—Of Burial and Burning Grounds

296. The Commissioners may, if they think fit, cause a survey and measurement to be made of every burial and burning ground and every place used as such; and every burial and burning ground, and every place used as such, shall be registered by the owner or the person having the control thereof or, if there be no owner or person authorized to control the same by order of the Commissioners, in a book to be kept by them for that purpose.

297. Whoever uses any such place as is mentioned in the last preceding section without the same being registered, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence.

298. Whoever knowingly buries or burns, or causes, procures, or suffers to be buried or burned, any corpse in or on any ground, not registered as a burial or burning ground, shall be liable to a fine not exceeding one hundred rupees.

299. No vault or grave shall be made within the walls of, or underneath, any church, chapel, or other place of public worship, and no burial or burning ground, whether public or private, shall be opened, made, or formed, otherwise than by, or under the authority of, the Local Government, without a license, describing the extent and boundaries thereof, first obtained from the Commissioners in meeting, other than an ordinary meeting, who may at their discretion, from time to time, grant such license.

300. Whoever shall bury or burn, or cause permit, or suffer to be buried or burned, any corpse in any vault, grave, or burial or burning ground, opened, made or formed without such license, or contrary to the terms thereof, shall be liable to a fine not exceeding five hundred rupees.

301. If the Commissioners, in meeting, other than an ordinary meeting, with the sanction of the Local Government, shall certify, in manner hereinafter provided, that any burial ground or place of burial, or that any place used for the burning of corpses, is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof;

or that any church or other place of public worship is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of, or underneath, the same, or in any church-yard or burial ground adjacent thereto;

and shall also certify that a fitting place for interment or burning (as the case may be) exists within a convenient distance and is available, no person shall, after a time (not less than two months) to be named in such certificate, bury or burn, or permit or suffer to be buried or burned any corpse in, upon, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate.

Every such certificate shall be published in the *Calcutta Gazette* and a translation thereof in Bengalee shall, in the case of a burial or burning ground, be affixed conspicuously on some part of the said ground.

302. Whoever after due publication of such certificate, buries or burns, or causes, permits, or suffers to be buried or burned,

any corpse contrary to this enactment, shall be liable to a fine not exceeding two hundred rupees.

303. Notwithstanding any certificate under the last preceding section,

where, by usage or otherwise, there is any right of interment in or under any church or chapel, or in any vault of such church or chapel, or of any church-yard, burial ground, or place of burial affected by such certificate, or where any exclusive right of interment, or any exclusive right to ground for the purpose of interment has been purchased or acquired, the Commissioners may, if, on application made to them, they are satisfied that the exercise of such right, or the use of such ground will not be injurious to health, grant a license for such exercise or use, during such time and subject to such conditions and restrictions as they may think fit.

304. The Commissioners in meeting, other than an ordinary meeting, may from time to time, out of the Municipal Fund, with the sanction of the Local Government, provide fitting places to be used as burial or burning grounds.

CHAPTER XVII.

OF MARKETS

305. The Commissioners in meeting, other than an ordinary meeting may from time to time, if they shall think fit, with the sanction of the Local Government, provide places within the Town for the purpose of being used as Municipal Markets, and the Commissioners may charge such rents, tolls, and fees as to them may seem fit for the use of, or right to expose goods for sale in such markets, and for the use of shops, stalls, and standings therein.

306. All such rents, tolls, and fees, which shall be imposed, shall be recoverable by the Commissioners from the persons liable to pay the same, as if the amounts payable in respect thereof were rates due to the Commissioners from such persons under the provisions of Chapter VI.

307. It shall be lawful for the Commissioners in meeting, other than an ordinary meeting, from time to time, if they shall think fit, with the sanction of the Local Government, to acquire land for markets:

Power to Commissioners to acquire land for markets:

to acquire land by purchase, lease, or otherwise, in order to provide places within the Town for the purpose of being used as Municipal Markets, and for the like purpose to purchase or take on lease any land now used within such limits as a market, or registered as such, upon such terms, or subject to such conditions as they may consider necessary, and to appropriate any land now vested in or belonging to them, and to set out the whole or such parts thereof as they may think necessary for the purposes of such Municipal Markets, and thereupon from time to time to build and maintain such Municipal Markets and such stalls, sheds, pens, and other buildings or conveniences for the use of the persons frequenting such Municipal Markets, and for the weighing and measuring goods sold in such Municipal Markets, and on such land as aforesaid, or on other land purchased for that purpose, to make and maintain all such roads and approaches thereto as they may think necessary, and from time to time, in addition to the bye-laws provided in Chapter XVI, to make such bye-laws as they may think fit for all or any of the following purposes:—

(a) for regulating the control and use of such markets, and the buildings, stalls, pens, and standings therein, and for preventing nuisances or obstructions therein, or in the immediate approaches thereto.

(b) for preventing the use therein of false or defective weights, scales, or measures.

(c) for preventing the sale, or exposure for sale therein, of unwholesome meat, fish, or provisions.

(d) for the establishment and publication of a price-current, and for prescribing the mode of sale of articles, whether by measure, weight, tale, or piece.

(e) for keeping such markets in a cleanly and proper state, and for removing filth and refuse therefrom

308. It shall be lawful for the Commissioners to expel from any such Municipal Market any person who, or whose servants, may be convicted of disobeying any bye-laws made under the last preceding section, and to prevent such person, by himself or his servants, further carrying on any trade or business in such market, or occupying any stall or shop therein, and to determine any lease or tenure which such person may have in any such stall or shop.

309. It shall be lawful for the Commissioners in meeting, other than an ordinary meeting, to sell, or to let to tenants on lease or otherwise on such terms as they may think fit, any Municipal Market, or any part thereof, and to do all things necessary for carrying the provisions of this section into effect.

Power to Commissioners to sell or let markets.

otherwise on such terms as they may think fit, any Municipal Market, or any part thereof, and to do all things necessary for carrying the provisions of this section into effect.

310. It shall be lawful for the Commissioners in meeting, other than an ordinary meeting, to close any Municipal Market, or any part thereof, or to sell, or

to let out to tenants, on lease or otherwise, any land heretofore used as a Municipal Market, or any part thereof, on such terms as they may think fit, and to do all things necessary for carrying the provisions of this section into effect.

311. It shall be lawful for the Commissioners in meeting, other than an ordinary meeting, out of the Municipal Fund and out of the monies borrowed under the provisions of this Act, and out of monies derived from the rents of buildings, stalls, pens, or standings in any Municipal Market, and from any fees realized from any Municipal Market, to expend such sums of money as they may think necessary for the construction, maintenance, and keeping such Municipal Market in repair, and for any other purpose or purposes which the Commissioners may deem necessary for establishing or carrying on the same or conducive thereto.

Power to Commissioners to carry on markets.

312. It shall be within the discretion of the Commissioners in meeting, other than an ordinary meeting, to grant licenses for the use of any place as a market for the sale of meat, fish, fruit, and vegetables within the Town, and every such license shall be in force until the first day of January next ensuing the day therein named for the commencement thereof.

313. Whoever wilfully or negligently permits any place within the Town to be used as a market for the sale of meat, fish, fruit, or vegetables, without a license under this Act, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the said offence shall be continued after he has been convicted of such offence.

314. Whenever three convictions under the provisions of the last preceding section shall have been pronounced in respect of the same place within the space of one year, it shall be lawful for any Police Magistrate of Calcutta, on the application of the Commissioners to order such place to be closed, and thereupon to appoint persons, or otherwise take order, to prevent such place being so used; and every person who shall sell or expose for sale meat, fish, fruit, or vegetables in any place which shall have been so closed, shall be liable to a fine not exceeding ten rupees.

315. The Commissioners in meeting, other than an ordinary meeting, may, by define, fix, and determine what portions of any market or bazar within the Town shall be thrown into, and made part of, the existing approaches, roads, paths, and ways in such market or bazar for the convenient use of persons resorting thereto; and shall signify the same by affixing or causing to be affixed in some conspicuous place or places in the market or bazar a notice signifying the limits and description of the parts of the said market or bazar so to be kept and used as part of the approaches, roads, paths, and ways.

316. The Commissioners in meeting, other than an ordinary meeting, may, by notice in writing to the owner, proprietor, or lessee of any such market or bazar, require him within

Commissioners may define ways in bazar.

Commissioners may, by notice in writing to the owner, proprietor, or lessee of any such market or bazar, require him within

Commissioners may, by notice in writing to the owner, proprietor, or lessee of any such market or bazar, require him within

Commissioners may, by notice in writing to the owner, proprietor, or lessee of any such market or bazar, require him within

a time to be specified therein to execute the necessary works and take all necessary measures for the setting out clearing, widening, and maintaining of the said approaches, roads, paths and ways;

and may, in case of such default, by their servants and workmen, enter into and upon the said market or bazar, and clear, set out, and widen the said approaches, roads, paths, and ways, and the expenses thereby incurred shall be paid by the person on whom the notice has been served.

The Commissioners in meeting, other than an ordinary meeting, may from time to time vary and alter the said approaches, roads, paths, and ways as occasion may require, signifying the same by a like notice.

Whoever shall, after such notification, cause any obstruction or encroachment in or on any such approaches, roads, paths, or ways, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for every day such obstruction or encroachment is continued after notice from the Commissioners to remove or discontinue the same.

316. Whenever any person who shall have been convicted of any offence under this Chapter, or against any of the bye-laws made or to be made under this Chapter in respect to markets, shall again be convicted of an offence against the same provision, the fine to be inflicted for the first of such subsequent offences shall not be less than one moiety of the maximum fine provided for such offence, and for the second and every subsequent offence shall not be less than such maximum fine.

CHAPTER XIV.

OF THE GENERAL POWERS OF THE COMMISSIONERS

PART I.—Of Rights of Entry.

317. The Commissioners shall, for the purposes of this Act, have power, by themselves or their Officers, to enter upon any house or land, as well for the purpose of making any inspection, survey, or measurement, as for the purpose of executing any work authorized by this Act to be executed by them, without being liable to any legal proceedings or molestation whatsoever on account of such entry, or of anything done on such house or land in pursuance of this Act.

Provided that, except as herein otherwise provided, the Commissioners or their Officers shall not enter upon any house or land which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice of their intention to do so.

318. The Commissioners, or their Officers or servants, may enter upon the land of any person adjoining to, or being within the distance of one hundred yards of any works by this Act

authorized to be made, for the purposes of depositing upon such land, any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender, or deposit, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation of, or temporary damage to, the said land to the owner and occupier thereof, from time to time, and as often as any such temporary occupation shall be taken, or such temporary damage done, and making compensation to the owner also for the permanent injury (if any) to such land;

and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Provided that, before the Commissioners make any such temporary use as aforesaid of any land adjoining or lying near to the said works, they shall give three days' notice of such their intention to the owner and occupier of such land, and shall set apart, by sufficient fences, so much of the land as shall be required to be used as aforesaid from the other land adjoining thereto.

319. For the purpose of laying pipes or constructing aqueducts for bringing water into the Town from any place without the limits thereof, or for the purpose of making sewers or drains to communicate with, or empty themselves into, any public sewer, lake, stream, canal, or water-course without the said limits, the Commissioners, their Officers, and servants may, whenever a plan for laying down any such pipes or constructing any such aqueduct, sewer, or drain, shall have been approved by the local Government, exercise, in the laying of such pipes and construction of such aqueduct, sewer, or drain throughout the line of country through which the said pipes, aqueduct, sewer, or drain, are to run, all the powers which by this Act they may exercise within the Town, and which may be necessary for the laying of such pipes, or the construction of such aqueduct, sewer, or drain, without being subject to any action or molestation whatever for so doing;

and the Magistrate of any district through which the said pipes, aqueduct, sewer, or drain, are to run, may exercise, in respect thereof, the like powers and jurisdiction within the limits of his own district as a Justice of the Peace may under this Act exercise in respect of any work to be executed by the Commissioners within the Town.

320. Whoever at any time obstructs or molests any person employed by the Commissioners (not being a public servant within the meaning of section 21 of the Indian Penal Code), or any person with whom they may have contracted under the provisions of this Act, in the performance and execution of their or his duty, or of anything which they are respectively empowered or required to do by virtue or in consequence of this Act; or removes any mark set up for the purpose of

indicating any level or direction necessary to the execution of works authorized by this Act, shall be liable to a fine not exceeding two hundred rupees, or in the discretion of the Justice of the Peace before whom he is convicted, to imprisonment for any term not exceeding two months.

PART II.—Of the Purchase and Sale of Land.

321. The Commissioners in meeting, other than an ordinary meeting, may purchase, sell, and lease land for the purposes of this Act within or without the Town, for any of the purposes of this Act, and may sell any land vested in them and not required for the purposes of this Act, or may dispose of the same on lease; and the Commissioners may receive the rent of the same on such terms as they may think fit.

322. The Commissioners in meeting, other than an ordinary meeting, may from time to time pay rent for, or take on lease, on such terms as they may think fit, any land required for the purposes of this Act.

323. Any land required for the purposes of this Act may be acquired under the provisions of the Land Acquisition Act, 1870, and on payment by the Commissioners out of the Municipal Fund of the compensation payable under such Act, the land shall vest in them for the purposes of this Act.

PART III.—Of Railways.

324. The Commissioners in meeting, other than an ordinary meeting, may, upon any of the public streets in the Town or upon any land within or without the said Town, which is vested in the Commissioners, construct or maintain any railway which to the Commissioners may appear to be useful or necessary for the purposes of this Act, and use and employ upon any such railway, by them heretofore constructed or hereafter to be constructed, such locomotive engines or other moving power and such carriages and wagons to be drawn or propelled thereby,

carry and convey upon such railway all such passengers and goods as shall be offered to them for that purpose,

and make such reasonable charges in respect thereof as they may from time to time determine upon.

325. The Commissioners in meeting, other than an ordinary meeting, from time to time may enter into any contract with any person, for the passage over any railway already constructed by the Commissioners or hereafter to be constructed by them, of the engines, wagons, or other carriages of such person, upon the payment of such tolls or rent and under such conditions and restrictions as may be mutually agreed upon.

326. The Commissioners in meeting, other than an ordinary meeting, may lease any railway constructed or to be constructed by them under the provisions hereinbefore contained to any person upon

such terms and under such conditions and restrictions as may be mutually agreed upon, and every person to whom any such railway shall be so leased by the Commissioners shall, subject to such conditions and restrictions as aforesaid, have all such and the same powers of maintaining the same, and for using and employing thereupon locomotive engines and other moving power, and carriages and wagons to be drawn or propelled thereby, and for carrying and conveying thereupon passengers, and goods, and making charges in respect thereof, as the Commissioners would have had if such railway had not been leased.

The Commissioners in meeting, other than an ordinary meeting, may, from time to time, enter into any contract with any person for the purpose of the construction of any railway within or without the Town, and for the purpose of maintaining and working of the same.

PART IV.—Of Hospitals.

327. The Commissioners may, in meeting, other than an ordinary meeting, apply such sum as to them may seem proper in or towards the maintenance and support of such hospitals for such purposes as they may think fit.

CHAPTER XV.

OF THE MUNICIPAL DEBT.

328. For the construction of works of a permanent nature under this Act, the Commissioners in meeting, other than an ordinary meeting, may, with the sanction of the Local Government, from time to time, borrow by way of debenture on the security of the rates, taxes, and dues imposed and levied on account of the Municipal Fund, or of a portion of them, and at such rate of interest, and upon such terms as to the time of repayment and otherwise as the Local Government may approve, any sums of money the Commissioners may require for the objects aforesaid.

329. All the debentures aforesaid, issued under the authority of this Act shall be in the form contained in the seventh schedule, and shall be transferable by endorsement, and the right to sue in respect of the monies secured by any of such debentures shall be vested in the holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

330. The Commissioners in meeting, other than an ordinary meeting, may at any time, with the sanction of the Local Government, raise, by the issue of new debentures, any money that may be required to pay any monies for the time being due on any debentures issued under the authority of this Act, or of any enactment hereby expressly repealed.

331. The Commissioners shall set aside yearly, out of their annual income, before making any disbursements in respect thereof, a sum of not less than two per cent. on the total sum

borrowed by the Commissioners for the purposes of any enactment hereby expressly repealed, exclusive of the sum now due, or of any sum which may hereafter become due, by them to the Secretary of State for India in Council, and shall appropriate the same, so far as it is required or will extend, to repay the amount (if any) of such loans or debentures issued by them as shall fall due in the course of the year.

And they shall invest the surplus (if any) of the said sum after repayment as aforesaid, or in case there has not been any amount due or paid in respect of such loans or debentures during the year, then they shall invest the whole of the said sum in Government securities, or in any securities guaranteed by Government, or in Calcutta municipal debentures, in the names of the Secretary to the Government of Bengal in the Revenue Department and the Accountant-General of Bengal respectively for the time being, to be by them held as Trustees for the purpose of repaying at due date from time to time the several loans contracted or debentures issued by the Commissioners.

And all moneys and securities now held by any Trustees for the Commissioners for the purpose of paying off any sum borrowed by them, shall be held by them upon the trusts hereinbefore declared.

All interest accruing due to the Trustees shall also from time to time be invested by them in like manner and held upon the like trust.

332. The Trustees shall from time to time, whenever any loans or debentures shall fall due by the Commissioners realize the whole or a sufficient portion of the securities held by them as aforesaid, and appropriate the sale proceeds thereof, so far as the same will extend, to satisfy such loans or debentures.

333. The Trustees shall, at the end of every year, submit a statement to the Commissioners showing the amount which has been invested during the year under section three hundred and thirty-one, and setting forth the date of the last investment made previous thereto, and also the aggregate amount of the securities then in their hands, and the aggregate amount which has up to the date thereof been paid off in respect of the said debentures and loans.

Such statement shall be laid before the Commissioners and published in the *Calcutta Gazette*.

CHAPTER XVI.

OF BYE-LAWS.

334. The Commissioners may from time to time make bye-laws, not inconsistent with the provisions of this Act, to regulate—

- (a) all matters and things connected with the supply and use of water;
- (b) the time and places of bathing for persons of each sex in places provided or set apart for bathing purposes;

- (c) the deposit of dirt, dust, filth, and refuse of any kind whatsoever, for removing and carrying away the same, and for charging the person making the deposit with the expenses of removing it;
- (d) the duties to be performed by tolak melters under section two hundred and thirty-eight, and the boundaries within which they are to be performed;
- (e) the management and charges for places provided for slaughter-houses under section two hundred and eighty-two;
- (f) the inspection and management of and conduct of businesses in markets and slaughter-houses, and for keeping the same in a proper and cleanly state;
- (g) the inspection of places used for any of the purposes mentioned in section two hundred and ninety-one, and for the management and conduct of business within the same;
- (h) the inspection and management of burial and burning grounds;
- (i) and generally for carrying out the purposes of this Act.

335. The Commissioners may from time to time repeal, alter, or add to their bye-laws.

336. No bye-law, and no repeal or alteration of, or addition to, any bye-law shall have effect until the same has been confirmed by the Local Government.

337. No bye-law, and no repeal or alteration of, or addition to, any bye-law shall be confirmed until the same has been published in the English and Bengalee Government Gazettes at least three times, nor till one month has elapsed from the date of the first publication, during which period a copy of such proposed bye-law, or the repeal or alteration of, or addition to, any bye-law shall be kept at the office of the Commissioners; and all persons may at any time between ten o'clock in the morning and five o'clock in the afternoon inspect such copy without fee.

338. Every bye-law, and every repeal or alteration of, or addition to, any bye-law, when confirmed, shall be published in the English and Bengalee Government Gazettes, and a copy thereof in English and Bengalee shall be painted or placed on boards, which shall be hung up in some conspicuous part of the office of the Commissioners.

339. Whoever infringes any bye-law made and confirmed under this Act shall be liable to a fine not exceeding twenty rupees, and to a further fine, not exceeding ten rupees, or each day during which the offence is continued after he has been convicted of such offence.

CHAPTER XVII.

OF PROSECUTIONS.

340. The Commissioners may direct any prosecution for any public nuisance whatsoever, and may order proceedings to be taken for the punishment of any person offending against any of the provisions of this Act, and for the recovery of any fines imposed under this Act, and may order the expenses of such prosecutions and proceedings to be paid out of the Municipal Fund.

Provided that nothing herein contained shall preclude any person from instituting a prosecution for nuisance, or from giving information and instituting a prosecution under the next succeeding section.

341. Every prosecution under this Act, except as provided in section three hundred and forty-three, may be instituted before any Justice of the Peace;

and every fine imposed under this Act may be recovered by a summary proceeding before any Justice of the Peace upon an information exhibited by order of the Commissioners,

and in default of payment of such fine, the same may be levied under the warrant of such Justice of the Peace by distress and sale of the moveable property of the offender, with all such powers for the issuing of such warrant, and upon the return thereof, as are exercised by a Magistrate of Police under the Calcutta Police Act, 1866, or any other Act for the time being in force for regulating the Police of the Town of Calcutta.

And if the fine cannot be so levied, the offender may be punished by such Justice of the Peace with rigorous or simple imprisonment, as defined in section 53 of the Indian Penal Code, for a term not exceeding two months.

342. Whenever any prosecution shall be instituted before any Justice of the Peace under this Act, he may summon the person charged to appear at a time and place to be mentioned in the summons; and if such person shall not so appear, such Justice of the Peace may, upon proof of service of the summons, if no sufficient cause shall be shown for the non-appearance of the person charged, proceed to hear and determine the case in his absence.

Such Justice of the Peace may exercise all such powers connected with the summoning, and enforcement of the attendance, of witnesses, and the production of documents, as are conferred on a Magistrate by the Calcutta Police Act, 1866, or any other Act for the time being in force for regulating the procedure of the Police Magistrates' Courts.

343. Every prosecution under section thirty-four shall be instituted before each Magistrate or Court as would have jurisdiction to entertain a charge of the nature described in section 161 of the Indian Penal Code.

344. The Justice of the Peace by whom any fine is imposed under this Act, may award any portion, not being more than one-half thereof, to the informer, and shall order the remainder, or, if he make no award to the informer, the whole of such fine, to be paid to the Municipal Fund.

345. No person shall be liable to any fine under this Act for any offence cognizable by a Justice of the Peace unless the complaint respecting such offence shall have been made before a Justice of the Peace, within two months next after the commission of such offence:

Provided that the failure to take out any license under this Act shall be deemed to be a continuing offence until the expiration of the period for which such license is required to be taken out.

346. If through any act, neglect, or default on account whereof any person shall have been fined under this Act, any damage to the property of the Commissioners shall have been committed by such person, he shall be liable to make good such damage as well as to pay such fine;

and the amount of such damage shall, in case of dispute, be determined by the Justice of the Peace by whom such person has been fined;

and on default of payment of the amount of such damage on demand, the same may be levied in the same manner as a fine.

CHAPTER XVIII.

OF THE RECOVERY OF DAMAGES AND EXPENSES.

347. Where any damages, costs, or expenses, are by this Act directed to be paid, the amount and, if necessary, the apportionment of the same, in case of dispute, shall be ascertained and determined by the Court of Small Causes.

Provided that when any work is executed by the Commissioners under this Act in default of the owner or occupier of the house or land doing such work, the expenses thereby incurred may be recovered by the Commissioners as a rate under Chapter VI.

348. In any case which is to be determined by the Court of Small Causes under this Act, the said Court may, on the application of either party, summon the other party to appear at a time and place to be named in such summons.

Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, the said Court may hear and determine such question, and, for that purpose, may examine such parties or any of them, and their witnesses, on oath; and the costs of every such inquiry shall be in the discretion of the said Court, which shall determine the amount thereof.

349. If the amount of damages, costs, or expenses, ascertained in the manner above described, be not paid by the party liable to pay the same within seven days after demand, such amount may be recovered, under a warrant of the said Court, by distress and sale of the movable property of such party; and the surplus arising from the sale thereof, after satisfying such amount and the costs of the distress and sale, shall be returned on demand to the party whose property shall have been distrained.

350. Instead of proceeding by distress and sale, and in case of failure to realize by distress the whole or any part of any expenses, charges, or damages awarded under the provisions of this Act, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

CHAPTER XIX.

MISCELLANEOUS.

351. No suit shall be brought against the Commissioners, or any of their officers, or any person acting under their direction, for any thing done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the Office of the Commissioners, or at the place of abode of such person, stating the cause of suit, and the name and place of abode of the intending plaintiff.

Unless such notice be proved, the Court shall find for the defendant.

Every such suit shall be commenced within three months next after accrual of the right to sue, and not afterwards.

If any person to whom any such notice of suit is given shall, before the suit is brought, tender sufficient amends to the plaintiff such plaintiff shall not recover in any such action when brought; and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

352. The Commissioners may make compensation out of the Municipal fund to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, their officers, or servants under this Act.

353. When any license is granted under section two hundred and thirty-six or two hundred and eighty-one authorizing the use of any place for any of the purposes therein described, and when permission is given under section two hundred and four for putting up any projection, the Commissioners may charge a fee not exceeding one hundred rupees for such license or permission.

When permission is given under section one hundred and ninety-three to make any temporary erection, the Commissioners may charge a daily fee not exceeding one hundred rupees for such permission.

354. When permission is given under section two hundred and seven or seventy-nine, the Commissioners may charge rent for any land made use of in pursuance of such permission.

355. Every person to whom a license has been granted under this Act shall, at all reasonable times while such license shall remain in force, if thereunto required by the Commissioners, or by any person authorized by them in that behalf, produce such license to the Commissioners or to the person so authorized.

356. Whoever fails to produce his license when required to do so as aforesaid, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

357. Every notice, bill, form, summons, or Act may be served personally on or presented to the person to whom the same is addressed,

or be left at his usual place of abode with some adult male member or servant of his family, or at his place of business with some clerk of the office,

or if it cannot be so served or presented, may be put on some conspicuous part of his place of abode, or of his place of business,

or of the house or land in respect of which the notice, bill, form, summons, or notice of demand is intended to be served.

358. Where any notice is required to be given to the owner or occupier of any house or land, such notice addressed to the owner or occupier, as the case may require, may be served on the occupier of such house or land, or otherwise in the manner in the last preceding section mentioned.

Provided that when the owner and his place of abode are known to the Commissioners they shall, if such place of abode be within the limits of their authority, cause every notice required to be given to the owner of any house or land to be served on such owner or left with some adult male member or servant of his family,

and if the place of abode of the owner be not within such limits, they shall send every such notice by post in a registered cover addressed to his place of abode, and the same shall be deemed to be good service of the notice.

When the name of the owner or occupier is not known, it shall be sufficient to designate him as "the owner" or "the occupier" of the house or land, in respect of which the notice is served.

359. Whenever any work is required by this Act to be executed by the owner or occupier of any house or land, and default is made in the execution of such work, the Commissioners whether any penalty is or is not provided for such default, may cause such work to be executed;

and the expenses thereby incurred shall be paid by the person by whom such work ought to have been executed, and in default of payment thereof the same may be recovered as a rate under Chapter VI.

360. If the defaulter, as mentioned in the last preceding section, be the owner of any house or land, the Commissioners may, by way of additional remedy, whether any suit or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being, from the person who then, or at any time thereafter, occupies the house or land under such owner, and in default of payment thereof by such occupier on demand, the same may be recovered as a rate under Chapter VI;

and every such occupier shall be entitled to deduct, from the rent payable by him to the owner, so much as is so paid by, or recovered from, him in respect of any such expenses.

361. No occupier of any house or land shall be liable to pay more money, in respect of any expenses charged by this Act on the owner thereof, than the amount of rent due from him, for the house or land in respect of which such expenses are payable, at the time of the demand made upon him, or which at any time after such demand has accrued and become payable by him, unless he neglect or refuse, upon a requisition made to him for that purpose by the Commissioners truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable;

but nothing in this section shall affect any special contract made between any such owner or occupier, respecting the payment of the expenses of any such works as aforesaid.

362. Whenever default is made by the owner of any house or land, in the execution of any work required to be executed by him, the occupier of such house or land may, with the approval of the Commissioners, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

363. If the occupier of any house or land prevent the owner thereof from carrying into effect, in respect of any house or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, any Justice of the Peace may, in addition, make any such order as to permit the owner

to execute all such works, with respect to such house or land, as may be necessary for carrying this Act into effect;

and if after the expiration of eight days from the date of the order such occupier continues to refuse to permit such owner to execute such works, every such owner, during the continuance of the refusal, shall be discharged from liability to any fines to which he might otherwise have become liable by reason of default in executing such works.

364. Whoever, being the occupier of any house or land, fails to comply with any requisition made by a Commissioner under the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

365. No tax or rate on property made under this Act shall be invalid for defect of form, and it shall be enough in any such tax or rate, or any assessment of value for the purpose of making such tax or rate, if the property rated or assessed is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

366. Whenever the Commissioners shall have incurred any expenses in the execution of any of the works which under sections one hundred and ninety-four, two hundred and sixty-eight, two hundred and seventy, two hundred and seventy-two, two hundred and seventy-six, and two hundred and seventy-nine, the owners of any houses or lands are required to execute, the Commissioners may either recover the amount of such expenses in the manner therein provided, or if they think fit, may take engagements from the said owners, for the quarterly payment of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of six per cent. per annum, within a period not exceeding five years, and such sums, when due, may be recovered as rates under Chapter VI.

367. All Police Officers shall give immediate information to the Commissioners of any offence committed against this Act.

Any Police Officer may arrest any person committing in his view any offence against this Act, if the name and address of such person be unknown to him,

or if such person declines to give his name and address,

or if the Police Officer shall have reason to doubt the accuracy of such name and address, if given.

And such person may be detained at the Station House until his name and address shall be correctly ascertained, or may be brought up at once before a Justice of the Peace.

368. If the Local Government shall have determined that any portion of the environs of the Town shall be included in the system of sewerage and drainage authorized by this Act, and if the Local Government shall have declared the boundaries thereof by notification in the *Calcutta Gazette*, then sections two hundred and nine to two hundred and twenty-eight, both inclusive, shall have effect within the boundaries so declared;

and all such expenses and compensation as, under the said sections and by the provisions of this Act, may be determined by the Court of Small Causes, may be ascertained and determined by any Court of Small Causes having jurisdiction within such boundaries; and all fines payable in respect of such sections, and under this Act, shall be enforced in the manner prescribed by section 307 of the Code of Criminal Procedure by the Magistrate having jurisdiction within such boundaries.

369. Houses used exclusively for purposes of public worship shall be exempt from rates and taxes. Taxes which under this Act may be imposed upon houses and land within the Town.

370. Nothing in this Act contained shall be construed to

(a) render lawful any act or omission on the part of any person, which, but for this Act, would by law be deemed to be a nuisance;

(b) exempt any person guilty of nuisance from a suit in respect thereof;

(c) affect any enactment not hereby expressly repealed.

FIRST SCHEDULE

BOUNDARIES OF WARDS.

(See Section 10.)

Ward No. 1.—Bounded on the north and east by Upper Circular Road and Mahratta Ditch; south by Grey Street; west by Upper Chitpore Road.

Ward No. 2.—Bounded on the north by the Mahratta Ditch; west by river Hooghly; south by Nimtollah Ghât Street; east by Upper Chitpore Road.

Ward No. 3.—Bounded on the north by Grey Street and the Mahratta Ditch; south by Beadon Street and Halahi Bazar Road; west by Upper Chitpore Road; east by Mahratta Ditch.

Ward No. 4.—Bounded on the north by Beadon Street; south by Machoon Bazar Road; east by Upper Circular Road and Mahratta Ditch; west by Cornwallis Street.

Ward No. 5.—Bounded on the north by Nimtollah Ghât Street; south by Cotton Street and Meerboher Ghât Street; east by Upper Chitpore Road; west by river Hooghly.

Ward No. 6.—Bounded on the north by Beadon Street; south by Machoon Bazar Road; east by Cornwallis Street; west by Upper Chitpore Road.

Ward No. 7.—Bounded on the north by Cotton Street and Meerboher Ghât Street; south by Loll Bazar Street, Dalhousie Square North, and Fairlie Place; east by Lower Chitpore Road; west by river Hooghly.

Ward No. 8.—Bounded on the north by Machoon Bazar Road; south by Bow Bazar Street; east by College Street; west by Lower Chitpore Road.

Ward No. 9.—Bounded on the north by Machoon Bazar Road; south by Bow Bazar Street; east by Upper Circular Road; west by College Street.

Ward No. 10.—Bounded on the north by Bow Bazar Street; south by Dhurruntollah Street; east by Wellington Street; west by Bentinck Street.

Ward No. 11.—Bounded on the north by Bow Bazar Street; south by Dhurruntollah Street; east by Lower Circular Road; west by Wellington Street.

Ward No. 12.—Bounded on the north by Loll Bazar Street, Dalhousie Square, and Fairlie Place; south by Esplanade Row; east by Bentinck Street, and so much of Clive Street as runs from north-west corner of Dalhousie Square to Fairlie Place; west by river Hooghly.

Ward No. 13.—Bounded on the north by Dhurruntollah Street; south by Kyd Street, Free School Street, and South Cullinga Street; east by Wellesley Street; west by Chowringhee Road.

Ward No. 14.—Bounded on the north by Dhurruntollah Street; south by South Cullinga Street; east by Lower Circular Road; west by Wellesley Street.

Ward No. 15.—Bounded on the north by South Cullinga Street; south by Theatre Road; east by Lower Circular Road; west by Wellesley Street and Wood Street.

Ward No. 16.—Bounded on the north by Kyd Street and South Cullinga Street; south by Theatre Road; east by Wellesley Street and Wood Street; west by Chowringhee Road.

Ward No. 17.—Bounded on the north by Theatre Road; south by Lower Circular Road; east by Lower Circular Road; west by Jail Road.

Ward No. 18.—Bounded on the north by Clyde Row; south by Tolly's Nullah Road; east by Kidderpore Bridge Road; west by Strand Road.

SECOND SCHEDULE.

(See section 59.)

TAX ON CARRIAGES AND ANIMALS.

	Per half-year.		
	Rs	A	P
For every four-wheel carriage drawn by two horses ..	12	0	0
If more than one such carriage, then for every such carriage after the first, two-thirds of the above rate			
For every four-wheel carriage drawn by one horse, or pony, or mule, or a pair of ponies or mules under thirteen hands	6	0	0
If more than one such carriage, then for every such carriage after the first, two-thirds of the above rate.			
For every two-wheel carriage ...	6	0	0
For every horse (not a race horse), pony, or mule ...	6	0	0
For every race horse ...	12	0	0
For every pony or mule under thirteen hands ...	2	0	0

NOTE.—Animals under eleven hands in height, and carriages, the wheels of which do not exceed twenty-four inches in diameter, are exempted.

THIRD SCHEDULE.

(See section 59.)

LICENSE ON PROFESSIONS, TRADES, AND CALLINGS.

	Yearly.
	Rs. 100
Every Joint Stock Company	
<i>Class II</i>	
Every merchant, banker, shroff, banian, wholesale trader, and commission agent, and every practising surgeon, physician, dentist, architect, civil engineer, builder, contractor, carrying company, barrister, attorney, proctor, notary public and pleader of the High Court,	50
Every owner or farmer of a hant or bazar	
Every owner of cotton, jute, hide, or other screws, and every auctioneer	
Every hotel-keeper, boarding-house keeper, lodging-house keeper, shop-keeper, plumber, gas-fitter, manufacturer, or retail trader, whose shop or place of business is assessed under Chapter V at one hundred rupees a month or upwards	
<i>Class III.</i>	
Every broker or daloll employed in the wholesale transfer or purchase of imports or exports, country produce, silk, or other merchandize	25
Every broker or dealer in precious stones, houses, landed property, Government securities, shares, and bills of exchange, and every freight broker	

Class III.—(Continued)

Yearly.

Rs.

Every practising licentiate of medicine, apothecary, and veterinary surgeon ...	
Every owner of a dispensary, spirit or liquor shop or shop for the sale of intoxicating drugs, and punch house, or billiard room, wholesale tobacco or jute depot	
Every owner of a steam ferry boat or cargo boat ...	
Every hotel-keeper, boarding-house keeper, lodging-house keeper, plumber, gas-fitter, carriage and horse-dealer, shop-keeper, manufacturer, or trader, whose shop or place of business is assessed under Chapter V at or above twenty-five rupees, but at less than one hundred rupees a month	25
Every pawn-broker, money-lender, and every person having a shop or place of business registered under section two hundred and ninety-one or licensed under section two hundred and ninety-two	
Every pleader, mookhtear, or law agent, not included in Class II ...	

Class IV

Every hotel keeper, boarding and lodging house-keeper, owner of a carriage or palanquin let out for hire, plumber, gas-fitter, hand supplier, carrier, stamp vendor, carriage or horse-dealer, shop-keeper, manufacturer, or trader, whose shop or place of business is assessed under Chapter V at or above ten rupees but at less than twenty-five rupees a month	12
Every keeper of a permanent stall at a daily public market or in a chowk ...	
Every poddar or money changer ...	
Every hakeem, kobera, and practising native doctor ...	
Every order supplier, coolie supplier, shipping agent, or boat supplier ...	

Class V.

Every keeper of a shop not included in any other Class, and every dalolli not included in Class III	
Every pedlar, hawker, boxwallah, and midwife ...	

Class VI.

All itinerant dealers hawking goods for sale in baskets or trays ...	
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NOTE.—A person who carries on several kinds of business, and may come under more than one of the designations in this schedule, shall be chargeable only under one of such designations, at the discretion of the Commissioner, and in the case of a firm consisting of two or more persons, payment by any one of such persons shall be considered payment by the firm.

FOURTH SCHEDULE.

(See section 116.)

NOTICE OF DEMAND.

TAKE notice that the Commissioners of the Town of Calcutta demand from you the sum of _____ due from* [you] as owner (or occupier) (here describe the property or thing upon which the rate or tax is imposed) for the months of 187 ; and that, if the sum due, together with _____ for this notice, is not paid into the office of the said Commissioners at _____

or if sufficient cause for the non-payment of the sum is not shown to the Commissioners within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

(L.S.)

(Signature of the Chairman,
Vice-Chairman, or Secretary.)

Date_____

* In the case of a demand under section one hundred and three state that notice of demand has been served upon the owner, and that the sum due remains unpaid

FIFTH SCHEDULE

(See section 116.)

DISTRESS WARRANT.

To (here insert the name of the Officer charged with the execution of the warrant.)

WHEREAS _____ of _____ has not paid or shown sufficient cause for the non-payment of the sum of _____ rupees due for the rates (or taxes) (or taxes and rates) mentioned in the margin for the months of (_____ 187 although the said sum has been duly demanded in writing from the said _____ and seven days have elapsed since the service of the notice of demand: This is to command you to distrain the moveable property of the said _____ (or as the case may be any moveable property found on the premises referred to) to the amount of the said sum of _____ rupees, and such further sum as

may be sufficient to defray the charges of taking keeping, and selling such distress; and if, within seven days next after such distress, the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said moveable property; and having paid and deducted out of the proceeds of the sale, the said sum of _____ rupees and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said moveable property. If sufficient distress cannot be found of the moveable property of the said _____, you are to certify the same to us together with this Warrant.

(L.S.) (Signature of the Chairman,
Vice-Chairman, or Secretary.)

SIXTH SCHEDULE.

(See section 117.)

FORM OF INVENTORY AND NOTICE.

(State particulars of goods seized.)

TAKE notice that I have this day seized the moveable property specified in the above Inventory for the sum of _____ rupees due for the rates (or taxes) mentioned in the margin, for the months of _____ 187 ; and that unless you pay into the Office of the Commissioners of the Town of Calcutta the amount due, together with the costs of this distress within seven days from the day of the date of this notice, the said property will be sold

(Signature of the Officer executing

the Warrant of Distress.)

Date_____

TABLE OF FEES PAYABLE IN DISTRAINTS.

(See section 118.)

Sum distrained for	Fee	
	Rs	As
Under 5 Rupees	0	4
5 and under 10 Rupees	0	8
10 " 15 "	1	0
15 " 20 "	1	8
20 " 30 "	2	0
30 " 40 "	3	0
40 " 60 "	4	0
60 " 80 "	6	0
80 " 100 "	8	0
100 " 150 "	10	0
Above 150 "	15	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each man.

SEVENTH SCHEDULE.

(See section 329.)

FORM OF DEBENTURE.

The Commissioners for the Town of Calcutta.

Calcutta, the _____ 187 .

No.

By virtue of the Calcutta Municipal Consolidation Act, 1876, we, the Commissioners of the Town of Calcutta incorporated under the said Act, in consideration of the sum of _____ rupees paid to us by A. B. of _____, promise to pay to the said _____ or order the said sum of _____ rupees _____ after the date hereof, together with interest thereon at the rate of _____ per centum per annum, payable half-yearly, on the _____ day of _____ and the _____ day of _____

day of

(Signature of the Chairman or Vice-Chairman, and two Commissioners.)

TENTH SCHEDULE.—(See section 2)

ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year	Subject.	Extent of repeal.
VI of 1863 ...	Calcutta Municipal Affairs	So much as has not been repealed.
Sec. 49 of III of 1864.	District Municipal Improvement	So far as the same applies to Suburbs and Howrah.
VII of 1865 ..	Slaughter-houses	So far as the same applies to Suburbs.
IX of 1865 ..	Amendment of Bengal Act VI of 1863 ..	The whole Act.
VI of 1866 ...	Further amendment of Bengal Act VI of 1863 ..	So much as has not been repealed
I of 1867 ..	Explanation of Bengal Act VI of 1863 ..	The whole Act.
IX of 1867 ...	Amendment of Bengal Acts VI of 1863 and VI of 1866 ..	So much as has not been repealed.
XI of 1867 ...	Pauper Hospital and Calcutta Police	The whole Act
V of 1868 ..	Subjecting a portion of Hastings to the Calcutta Municipal Acts ..	The whole Act
I of 1870 ..	Calcutta Water-rate	The whole Act
VI of 1871 ..	Modifying and amending the constitution of the corporation of the Justices of the Peace for Calcutta ..	The whole Act.
VIII of 1871 ..	Markets	So much as not been repealed
I of 1872 ..	Extending borrowing powers of the Justices and providing for the repayment of the municipal debt.	The whole Act.
II of 1874 ..	Markets	The whole Act

FELDRICK CLARKE

Offg. Asst. Secy to the Govt. of Bengal, Legislative Dept



The Calcutta Gazette.

WEDNESDAY, MARCH 1, 1876.

PART I A.

Orders and Notifications by the Government of India.

The following order issued by the Government of India in the Legislative Department, is republished for general information :—

No. 7.—Fort William, the 25th February 1876.—Notification—Mr. L. A. Goodeve, Barrister-at-Law, Chief Reporter in the High Court at Calcutta, for the Indian Law Reports, is granted a further extension of leave up to 15th November 1876 inclusive

The following order, issued by the Government of India in the Home Department, is republished for general information :—

No. 102.—Fort William the 25th February 1876 —Establishment—The undermentioned Officer has been granted by Her Majesty's Secretary of State for India extension of leave as below —

Name	Service	Appointment	Period and nature of extension.
Mr J S Drummond	Covenanted Civil Service	Magistrate and Collector, Bengal	6 months—Furlough.

The following order, issued by the Government of India in the Financial Department, is republished for general information :—

No. 1157.—Fort William, the 25th February 1876 —Leave and Allowances.—The Governor-General in Council is pleased to sanction the cancellation of the words "subject to the confirmation of the Government of India" in exception 2, and the words "subject to the confirmation of the Government of India in the Public Works Department" in exception 3, to Section 25 of the Acting Allowance Code.

R. L. MANGLES,
Offg. Secy. to the Govt. of Bengal.



The Calcutta Gazette.

WEDNESDAY, MARCH 8, 1876

PART I A.

Orders and Notifications by the Government of India.

The following order, issued by the Government of India in the Legislative Department, is republished for general information :—

NOTIFICATION.

Fort William, the 29th February 1876.

No 8.

AN ORDINANCE

To empower the Government of Bengal to prohibit certain Dramatic Performances.

WHEREAS it is expedient to empower the Lieutenant-Governor of Bengal to prohibit dramatic performances which are scandalous, defamatory, seditious, obscene, or otherwise prejudicial to the public interest; and whereas, pending the consideration and enactment by the Governor-General in Council of a law conferring such power, it is expedient to confer the same by an Ordinance under section twenty-three of the Indian Councils Act:

In exercise of the power vested in him by the said section, His Excellency the Governor-General is pleased to make and promulgate the following Ordinance :—

1. Whenever the Lieutenant-Governor of Bengal is of opinion that
Power to prohibit certain dramatic performances any play, pantomime, or other drama performed, or about to be performed, is—

- (a) of a scandalous or defamatory nature, or
 - (b) likely to excite feelings of disaffection to the Government established by law in British India, or
 - (c) likely to deprave and corrupt persons present at such performance, or
 - (d) otherwise prejudicial to the interests of the public,
- the said Lieutenant-Governor, or such officer as he may generally or specially empower in this behalf, may by order prohibit such performance.

2. A copy of any such order may be served on any person about to take part in the performance so prohibited, or on the owner or occupier of any house, room, or place in which such performance is intended to take place, and any person on whom such copy is served, and who does, or willingly permits, any act in disobedience to such order, shall be punishable, on conviction before a Magistrate, with imprisonment for a term which may extend to three months, or with fine, or with both.

3. Any such order may be notified by proclamation, and a written or printed notice thereof may be stuck up at any place or places adapted for giving information of the order to the persons intending to take part in the performance so prohibited.

4. Whoever, after the notification of any such order—

- (a) takes part in the performance prohibited thereby, or in any performance substantially the same as the performance so prohibited, or
- (b) in any manner assists in conducting any such performance, or
- (c) is present as a spectator during the whole or any part of any such performance, or
- (d) being the owner or occupier, or having the use of any house, room, or place, opens, keeps, or uses the same for any such performance, or permits the same to be opened, kept, or used for any such performance, shall be punishable, on conviction before a Magistrate, with imprisonment for a term which may extend to three months, or with fine, or with both.

5. If any Magistrate has reason to believe that any house, room, or place is used, or is about to be used, for any performance prohibited under this Ordinance, he may, by his warrant, authorize any officer of police to enter, with such assistance as may be requisite, by night or by day, and by force, if necessary, any such house, room, or place, and to take into custody all persons whom he finds therein, and to seize all scenery, dresses, and other articles found therein, and reasonably suspected to have been used, or to be intended to be used, for the purpose of such performance.

6. No conviction under this Ordinance shall bar prosecution under section 124A, or section 294 of the Indian Penal Code.

7. In this Ordinance, the term "Magistrate" includes a Magistrate of Police in Calcutta.

8. This Ordinance extends only to the territories under the Government of the Lieutenant-Governor of Bengal: it shall come into force at once, and it shall remain in force till the thirty-first day of May 1876.

NORTHBROOK,

Viceroy and Governor-General.

The following orders, issued by the Government of India, Home Department, are republished for general information:—

No 108 — *Fort William, the 29th February 1876 — Notifications. — Establishments.* — The Honorable J. B. Phear, a Judge of the High Court of Judicature at Fort William in Bengal, has obtained privilege leave for three months, with effect from the 19th April next or from any subsequent date on which he may avail himself of it.

No. 110 — *The 1st March 1876* — The services of Mr. H. B. Lawford of the Bengal Civil Service are replaced at the disposal of the Government of Bengal with effect from the 12th October last.

No 137. — *The 3rd March 1876 — Medical* — Third Grade Assistant Surgeon Muhammad Wazir Ali Khan is dismissed from the service of Government.

No. 323. — *The 1st March 1876. — Judicial.* — In exercise of the powers conferred on him by Section 10 of Act VI of 1871, and Section 1 of Act VIII of 1874, the Governor-General in Council is pleased to invest Mr. G. H. Damant, c.s., Officiating Assistant Commissioner of the 1st Grade in Assam, with the powers of a Subordinate Judge in the district of Cachar, to be exercised during the absence of Mr. O. G. R. McWilliam, Deputy Commissioner of that district.

The following orders, issued by the Government of India in the Financial Department, are republished for general information:—

No. 1248.—*Fort William, the 4th March 1876.—Pensions and Gratuities.*—The Governor-General in Council is pleased to direct that the following note be inserted as an Exception under clause (b) of Section 98 of the Civil Pension Code:—

Exception—Members of the Police forces, employed by small municipalities in Sindh, and by village communities in the district of Hyderabad in Sindh, are not entitled to pensions and gratuities.

No. 1235.—*The 4th March 1876.—Separate Revenue—Opium.*—Opium Revenue to date compared with the Estimate for the year 1875-76.

	LATEST MONTH			TWELVE MONTHS OF BENGAL OPIMUM & ELEVEN MONTHS' DUTY ON MATAWA OPIMUM			
	Estimate	Actual	Better than Estimate	Estimate	Actual	Better than Estimate	Worse than Estimate
	£	£	£	£	£	£	£
Bengal	441,848	613,250	71,404	5,120,702	5,732,432	611,730	
Bombay	190,968	285,480	98,512	2,408,374	2,363,500		244,874
Total	632,814	798,730	159,916	7,529,076	7,095,932	367,866	

The following order, issued by the Government of India in the Military Department, is republished for general information:—

No. 227.—*Fort William, the 1st March 1876.*—The following Regimental Order, issued to the Calcutta Volunteer Rifle Corps, is confirmed:—

Dated the 11th December 1875—Permitting Major Henry John Lawrell late Captain, 97th Foot to resign his appointment in the Calcutta Volunteer Rifle Corps, at his own request.

K. L. MANGLES,
Offg Secy. to the Govt. of Bengal.



The Calcutta Gazette.

WEDNESDAY, MARCH 15, 1876.

PART IV.

Bills of the Bengal Council.

GOVERNMENT OF BENGAL

LEGISLATIVE DEPARTMENT.

The following report of a Select Committee is, by order of the President, published for general information —

We, the undersigned, members of the Council of the Lieutenant-Governor of Bengal, to whom the Bill to consolidate and amend the law relating to the municipal affairs of Calcutta was referred, with a view to reporting whether sections 21, 22, and 58 could be modified, have the honor to present the following report.

The British Indian Association
The Justices of the Peace for the Town
of Calcutta
The Indian League
The Calcutta Trades' Association

We have had the advantage of hearing counsel and delegates on behalf of the bodies mentioned in the margin.

We recommend that section 58 be omitted, and that the three sections annexed to this report be substituted for sections 21 and 22

G. C. PAUL,
STUART HOGG,
V. H. SCHALCH,
H. L. DAMPIER,
H. J. KENNEDY,
H. BRILL,
T. W. BROOKES,
KRISTODAS PAI.

The 13th March 1876.

21. It shall be the duty of the Commissioners, ^{Duties of Commissioners} and they are hereby required, to

- (1) provide for the payment of the interest on the municipal debt in the manner prescribed by section three hundred and thirty-one;
- (2) provide for the establishment of a reserve fund in the manner prescribed by the said section;
- (3) provide such funds as may be necessary for the maintenance of the police in the manner and to the extent mentioned in Chapter VIII;
- (4) complete and extend throughout the town the new underground drainage works now under construction, and for that purpose to expend annually a sum, being not less than one

lakh and a half of rupees, or, with the sanction of the Local Government, any sum less than the above amount, to be raised as provided by section three hundred and twenty-eight;

- (5) maintain a water-supply in the manner and to the extent mentioned in Chapter VII;
- (6) make adequate and suitable provision for the cleaning and the conservancy of the town, and to provide such funds as may be necessary for that purpose.

22. If it shall appear to the Local Government that the Commissioners have failed to make adequate and suitable provision for the cleaning and the conservancy of the town to an extent likely to

be prejudicial to the health of the inhabitants of the town, or of any part thereof, the Local Government may, by notification in the *Calcutta Gazette*, appoint a Commission, consisting of three persons, of whom one shall be the Sanitary Commissioner of Bengal, or the Senior Medical Officer of the Presidency, the second shall be appointed by the Commissioners in meeting within thirty days of the date of the said notification, or in their default, by the Local Government, and the third by the Local Government; and the Local Government shall order the members of the said Commission to report within a certain time, to be fixed by the Local Government, whether they are of opinion that the cleaning and the conservancy of the town are defective to an extent likely to be prejudicial to the health of the inhabitants of the town, or of any part thereof, and, if they shall be of such opinion, to specify in their report what further provision should be made for the cleaning and the conservancy of the town up to the end of the year then current, or of the year next succeeding, as may be directed by the Local Government, and to submit an estimate of the cost of the said further provision

22A. On receipt of the said report, the Local Government shall forward the same for the consideration of the Commissioners, and if the Commissioners shall decline to carry out the provisions recommended therein, the Local Government may order that such provisions, or any of them, or any portion of them respectively, be carried out; and thereupon it shall be the duty of the Commissioners to comply with such order, and to provide the funds mentioned in the said estimate, or such portion thereof as the Local Government may fix; and the Chairman shall forthwith carry out such order, and shall defray the cost of carrying out the same from the Municipal Fund, notwithstanding any power conferred on the Commissioners by section forty-six, or anything to the contrary contained in any other provision of this Act.

Provided that, if there is a difference of opinion among the members of the said Commission, the opinion and report of the majority of the said members shall be held to be the opinion and report of the Commission.

FREDERICK CLARKE,

*Offy. Asst. Secy. to the Govt. of Bengal,
Legislative Department*

The following Bill, as amended by the Select Committee up to March 11th, is published for general information:—

A Bill to provide for inquiry into Disputes regarding Rent, and to prevent Agrarian Disturbances.

For the purpose of providing for inquiry into disputes regarding rent, and of preventing agrarian disturbances: It is enacted as follows:—

1. This Act may be called the "Agrarian Disputes Act, 1876;"

Local extent. It extends to all the territories for the time being subject to the Lieutenant-Governor of Bengal.

It shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General, and shall continue in force for three years from such date.

2. In this Act, unless there be something repugnant in the subject or context—

Interpretation "Lieutenant-Governor" means the Lieutenant-Governor of Bengal, or the person acting in that capacity.

"Board" means the Board of Revenue for the provinces for the time being subject to the Lieutenant-Governor of Bengal.

"Commissioner" means the Commissioner of a Division, and includes any officer whom the Lieutenant-Governor may vest (as he is hereby empowered to do) with all or any of the powers of a Commissioner under this Act.

"The Collector" means the officer appointed to make the inquiry under this Act.

"The Collector" "Section" means a section of this Act.

3. If it shall appear to the Lieutenant-Governor that a serious dispute exists in any tract of country as to any question in respect of the adjustment of rents, or as to arrears of rents, and if application shall be made to the Lieutenant-Governor by any person interested in such dispute praying that the Lieutenant-Governor do take action under the powers vested in him by this Act,

the Lieutenant-Governor may, by an order to be published in the *Calcutta Gazette*, declare the provisions of this Act to be in force, in such tract, the boundaries of which shall be defined in the said order,

and may direct that inquiry be made for the determination of such dispute by the Collector of the district, or by such other officer as the Lieutenant-Governor may think fit to appoint in that behalf.

A copy of such order shall be published by being posted up at the court of every judge and munsif and at the office of every Collector and sub-divisional officer within whose jurisdiction, and at every police station within the jurisdiction of which, the said tract or any part of it is situated, and in such one or more conspicuous places on the said tract as the Collector may direct.

From the date of the publication of the copy of such order in the office of the Collector of the district, this Act shall be deemed to be in force in such tract, until the Lieutenant-Governor shall by notification declare that it is no longer there in force.

4. The Lieutenant-Governor may specially vest any officer with the powers of a Deputy Collector under this Act; and any officer so vested may exercise any of the powers, and discharge any of the functions of the Collector under this Act (except in respect of appeals) which he may be required to exercise or to discharge by a general or special order of the Collector.

5. Whenever the Lieutenant-Governor shall have made an order under section three, the Lieutenant-Governor shall also issue instructions specifying any matters of fact into which the Collector shall inquire, in accordance with the provisions of the said section; and on receipt of such instructions the Collector shall proceed to make the inquiry in accordance therewith.

6. Before proceeding to make such inquiry, the Collector shall publish a notification in the manner provided by clause five of section three, stating the nature of the inquiry to be made, and calling upon all parties who may deem themselves interested therein to appear before him, either in person or by agent, for the purpose of making such representations and advancing such objections as to them may seem fit; and such representations and objections (if any) shall be duly heard and considered by the Collector.

7. For the purpose of such inquiry, the Collector shall have power to summon and enforce the attendance of parties and witnesses, and to examine such parties and witnesses, and to compel the production of documents by the same means (as far as may be) and in the same manner as is provided in the case of a court under the Code of Civil Procedure.

8. After making the necessary inquiry, the Collector shall draw up a report stating the result of the inquiry, and his own opinion on each of the matters specified for inquiry under section five, and shall publish a notice in his office stating that any person may take a copy of the said report for the purpose of advancing before the Commissioner any objections thereto which he may think fit, and that such objections must be filed in the office of the Commissioner, or in the office of the Collector for transmission to the Commissioner, within fifteen days of the publication of the said notice.

9. The Collector shall forward such report and copies of any objections which may be filed in his office under the last preceding section to the Commissioner, and the Commissioner, after considering such objections, and causing any further inquiry to be made which he may think fit, shall submit the report of the Collector, with copies of the objections made thereto, and with his own opinion on each of the matters specified for inquiry under section five, to the Board.

10. After considering the reports and objections submitted by the Commissioner under the last preceding section, the Board shall issue such instructions as to it shall seem fit, not being inconsistent with the provisions of this Act, in respect to the determination of each of the matters specified for inquiry under section five, and the Collector shall make an order determining each of the said matters in accordance with such instructions of the Board.

11. On receipt of such instructions the Collector shall publish a notice of such receipt at his office, and from the date of the publication of such notice, and as long as this Act is in force in the tract mentioned in section three, all suits of the nature of those specified in section 23 of Act X of 1859, relating to such tract, shall be instituted before, and, except as hereinafter otherwise expressly provided, be cognizable by, the Collector and by no other tribunal.

12. As soon as possible after publication of the notice mentioned in the last preceding section, the Collector shall send a copy thereof to every Court which had jurisdiction to entertain such suits immediately before the publication of the said notice.

13. In the disposal of such suits the Collector shall, as far as possible, follow the procedure prescribed in Act X of 1859, and all powers exercised by a Collector under the said Act may be exercised by the Collector under this Act, provided that all such suits shall be decided by a reference to, and in accordance with, any order of the Collector determining a matter under section ten, in so far as such order may be applicable.

14. The Collector may, with the consent of the parties concerned, refer any such suit to arbitration, and the provisions of sections 313 to 325 (both inclusive) of the aforesaid Act VIII of 1859 shall, as far as may be practicable, apply to such references.

15. In every suit under this Act of the nature of those specified in the first, second, third, and fourth clauses of section 23 of Act X of 1859, any number of ryots or other tenants may be sued, or may sue collectively, and it shall be no ground for dismissing or refusing to hear the application that such ryots or other tenants are wrongly joined as plaintiffs or defendants, provided all such ryots or tenants hold land in the same estate;

but no order shall be passed in such case unless the officer making such order is satisfied that all parties have had an opportunity to appear and make objection to any claims preferred against them;

and if at any time it shall appear to the Collector that the question between any two of the parties of whom one is so joined with others cannot conveniently be so jointly tried, the Collector may order a separate trial to be held.

16. Every order passed in any such case as is mentioned in the first clause of the last preceding section, shall specify the extent to which each of the ryots or other tenants named in the order shall be affected thereby.

17. Every decree of a Collector under this Act in any suit of the nature of those specified in the first clause of section 23 of Act X of 1859 shall have effect, and the rates of rent determined by such decree shall be payable from the beginning of

Lieutenant-Governor to specify matters for inquiry.

Collector may allow parties to come before him and make objections.

Power to Collector to enforce attendance of witnesses.

Collector to draw up report, and to allow persons to take copies of the same.

Collector and Commissioner to report result of inquiry to Board.

Board to issue instructions to Collector.

Suits to be transferred to Collector.

Collector to send copy of notice to Courts.

Procedure in suits.

Power to refer to arbitration.

Suit may be brought by or against any number of ryots collectively.

Order to specify how far it applies to each ryot.

Rate of rent once fixed under Act, to be fixed for five years.

the year in which such suit was instituted (such year being computed according to the era in force in the aforesaid tract), or from such later date as the Collector may fix; and the rates of rent so determined shall not be liable to abatement or enhancement for five years from the first day of such year, or in case any part of the tract is comprised within a temporarily-settled estate, until the conclusion of the period of the settlement with Government under which such estate is held, if such period expires before the lapse of five years as aforesaid.

Provided that, during the currency of the term for which the rent has been fixed as aforesaid, any person may bring a suit to enhance the rent of any ryot or tenant whose rent has been so fixed, on the ground that the area of the ryot's or tenant's holding has been increased by alluvion or otherwise, and on no other ground.

And any ryot or tenant may, during the said period, bring a suit for abatement of his rent which has been so fixed, on the ground that the area of the land held by him has been diminished by diluvion or otherwise, and on no other ground.

18. Notwithstanding anything contained in this Act, if it shall appear to the Collector that any suit which is pending before him involves any question relating to the title of land or to some interest in land, as between parties having conflicting claims thereto, or any other question which can more properly be decided by a civil court, or, in districts in which Act X of 1859 is in force, by a revenue court under that Act, the Collector may transfer such suit to a civil court or revenue court (according to whether such civil court or such revenue court would have had jurisdiction in the matter if this Act had not been passed); and such court shall thereupon proceed to deal with the suit as if this Act had not been passed, and as if the suit had originally been instituted before such court.

19. If such suit involves a question of rent or any other question which may properly be settled by the Collector under this Act, as well as a question which may more properly be decided by such civil court or revenue court, the Collector may decide the former question under this Act before transferring the suit to such other court; and such decision shall be subject to the provisions of this Act in respect of appeals, and the civil court or revenue court shall be bound to give the final decision in the suit in accordance with the decision of the Collector or of the appellate authority under this Act on such question, so far as such decision is applicable.

20. Every order and decree of a Collector under this Act may be enforced by the same means and in the same manner as if such decision were an order or decree to the same effect made under Act X of 1859.

21. Notwithstanding that the Lieutenant-Governor may have issued a notification as provided in section three declaring this Act to be no longer in force in any tract, the Collector shall proceed to decide all suits pending before

him on the date of issue of such notification as if no such notification had been issued; and in respect of all such suits and of all other matters and suits which may be pending before the Board, the Commissioner, or the Collector on the date of the issue of such notification, the said Board, Commissioner, and Collector shall, until such matters or suits are finally decided or disposed of, exercise the same powers with respect thereto as if such notification had not been issued.

22. No suit to contest any order or judgment of any officer under the provisions of this Act shall be instituted before any court or tribunal otherwise than as provided in this Act.

23. In the performance of their duties under this Act, the Deputy Collector shall be subject to the general control and direction of the Collector, the Collector to the general control and direction of the Commissioner, and all officers to the general control and direction of the Board.

24. An appeal shall lie to the Collector against every order and judgment of a Deputy Collector under this Act, except as hereinafter otherwise provided; but no appeal shall lie against any order or judgment of the Collector under this Act except as hereinafter expressly provided.

25. In suits of the nature of those specified in clauses two, four, and seven of section twenty-three of Act X of 1859, when such suits have been tried and decided by the Collector, if the amount sued for, or the value of the property claimed, does not exceed one hundred rupees, the judgment of the Collector shall be final and not open to revision or appeal, unless in any such suit a question of right to enhance or otherwise vary the rent of a ryot or tenant, or any question relating to a title to land, or to some interest in land as between parties having conflicting claims thereto, has been determined by the judgment, in which case the judgment shall be open to appeal in the manner provided in section twenty-seven.

The provisions of section 154 of Act X of 1859 shall apply to all suits in which the judgment of the Collector is final.

26. Notwithstanding anything to the contrary in this Act, no appeal shall lie against any order declaring arrears of rent to be due and directing that such arrears be paid, unless such appeal shall be accompanied by the certificate of the Collector that the amount of such arrears has been paid to the Collector; and on payment of such amount, the Collector, if required so to do by the person making such payment, shall be bound to grant such certificate, and to hold the amount in deposit until the appeal against his order shall have been disposed of, or until the period for making such appeal shall have expired.

27. When any such suit as is mentioned in section twenty-five in which, if tried and decided by the Collector, the judgment of the Collector would be final, is tried and decided by a Deputy Collector, an appeal from the judgment of the Deputy Collector shall lie to the Collector, and the provisions of sections 156 to 159 (both inclusive) of the said Act X of 1859 shall apply to such appeals.

28. In all suits other than those in which, when tried and decided by a Collector, the judgment of the Collector is final as aforesaid, or when tried and decided by a Deputy Collector, an appeal is allowed to the Collector, an appeal from the judgment of the Collector or Deputy Collector shall lie to the Commissioner, and the decision of the Commissioner shall be final, unless the amount or value in dispute exceed five thousand rupees, in which case an appeal from the Commissioner's decision shall lie to the Board.

29. Every appeal against the order of a Deputy Collector shall be presented to the Collector within fifteen days, and every appeal against the order of a Collector shall be presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days of the date of the order appealed against.

Every appeal against the order of a Commissioner shall be presented to the Board, or to the Commissioner for transmission to the Board within sixty days of the date of the order appealed against.

Orders passed in appeal by a Commissioner or a Collector shall not be open to any further appeal, except as hereinbefore provided but the Board or the Commissioner may at any time call for any case, and pass such orders thereon as they may think proper.

FREDERICK CLARKE,

Offg. Asst. Secy. to the Govt. of Bengal.
Legislative Department.



The Calcutta Gazette.

WEDNESDAY, MARCH 22, 1876

PART I A.

Orders and Notifications by the Government of India.

The following orders, issued by the Government of India in the Home Department, are republished for general information :—

No. 406.—*Fort William, the 17th March 1876.*—*Notifications—Public—*
His EXCELLENCY THE VICEROY AND GOVERNOR GENERAL has the satisfaction of publishing for general information the following letter which he has had the honour of receiving from His ROYAL HIGHNESS THE PRINCE OF WALES :—

W H S "Scraps,"

Bombay, the 13th March 1876

MY DEAR LORD NORTHBROOK,

I cannot leave India without expressing to you, as the QUEEN'S Representative of this vast Empire, the sincere pleasure and the deep interest with which I have visited this great and wonderful country.

As you are aware, it has been my hope and intention for some years past to see India, with a view to become more intimately acquainted with the QUEEN'S subjects in this distant part of Her Empire, and to examine for myself those objects of interest which have always had so great an attraction for travellers.

I may candidly say that my expectations have been more than realized by what I have witnessed; so that I return to my native country most deeply impressed with all I have seen and heard. The information I have gained will, I am confident, be of the greatest value to me, and will form a useful foundation for much that I hope hereafter to acquire.

The reception I have met with from the Princes and Chiefs, and from the native population at large, is most gratifying to me, as the evidence of loyalty thus manifested shows an attachment to the QUEEN and to the Throne, which I trust will be made every year more and more lasting. It is my earnest hope that the many millions of the QUEEN'S Indian subjects may daily become more convinced of the advantages of British rule, and that they may realize more fully that the Sovereign and the Government of England have the interests and well-being of India very sincerely at heart.

I have had frequent opportunities of seeing Native Troops of all branches of the Service, and I cannot withhold my opinion that they constitute an army of which we may feel justly proud. The "march past" at Delhi of so many distinguished officers, and of such highly disciplined troops, was a most impressive sight, and one which I shall not easily forget.

I wish also to state my high appreciation of the Civil Service; and I feel assured that the manner in which their arduous duties are performed tends greatly to the prosperity and the contentment of all classes of the community.

I cannot conclude without thanking you, and all those in authority, for the facilities which have enabled me to traverse so rapidly so large an extent of country; and rest assured I shall ever retain a grateful memory of the hospitality tendered by yourself and by others who have so kindly received me.

Believe me, my dear Lord Northbrook,

Yours very sincerely,

ALBERT EDWARD.

ECCLIASTICAL.

The 16th March 1876.

No. 130.—The Governor General in Council has received with the deepest regret the intelligence of the death at Rawalpindi in the Punjab, on the morning of the 15th instant, of the Right Reverend Robert Milman, D.D. Lord Bishop of Calcutta.

The Governor General in Council desires to place on record the sense which he entertains of the late Bishop Milman's indefatigable energy in the discharge of the high functions of his office;—of his charity and munificence;—of his zeal in promoting all good works—especially the education of the poorer classes of Europeans in India—and of his broad and benevolent sympathy with all classes of the community. The Bishop has devoted his health and strength to the conscientious fulfilment of his arduous duties in ministering to the spiritual and temporal welfare of his diocese; and he has now died in the midst of his labours, doubtless in consequence of them.

The Governor General in Council is sure that Bishop Milman's untimely death will be felt as a personal loss, and that his memory will be affectionately cherished by Her Majesty's subjects in India.

The Flag of Fort William will be hoisted half-mast high to-day, which is the day of the funeral.

No. 131.—In consequence of the demise of the Right Reverend Robert Milman, D.D., the Right Hon'ble the Governor General in Council is pleased to direct that the following extract from the Letters Patent of the 24th January 1867 be published for general information:—

"And we further will that during a vacancy of the said See of Calcutta by the demise of the Bishop thereof for the time being or otherwise, the Episcopal Jurisdiction and functions appertaining to the said See shall be exercised by such one of the Suffragan Bishops of Madras and Bombay for the time being as shall have been first consecrated."

The said Episcopal Jurisdiction and functions will accordingly be exercised by the Right Reverend the Lord Bishop of Madras.

The following order, issued by the Government of India in the Foreign Department, is republished for general information:—

No. 609 G.—*Fort William, the 17th March 1876.—Appointment.—Notification.—General.*—Mr. H. M. Durand, C.S., Junior Attaché, Foreign Department, to officiate as Senior Attaché, Foreign Department, *vice* Mr. Dankes.

Lieutenant H. M. Temple to officiate as Junior Attaché, Foreign Department, *vice* Mr. Durand.

The following orders, issued by the Government of India in the Financial Department, are republished for general information:—

No. 1561.—*Fort William, the 17th March 1876.—Leave and Allowances.*—The Governor General in Council is pleased to rule that when a gazetted Uncovenanted Officer, for whom no specific scale of travelling allowance is sanctioned, is temporarily absent from his headquarters on duty, he may draw travelling allowance at 4 annas a mile.

No. 1579.—The Governor General in Council directs the substitution of the following for the note within parenthesis at the head of the Rules in Chapter VII of the Civil Leave Code:—

(The Rules in this Chapter apply to Commissioned Military Officers in Civil employ, except those employed in the Public Works Department and in the Survey Department under the Surveyor General of India, for whom there are special departmental rules.)

The following orders, issued by the Government of India in the Military Department, are republished for general information :—

No 278.—*Fort William, the 14th March 1876.*—The following Notification issued by the Financial Department, No. 846, dated the 11th February 1876, is republished for general information as applicable to the three Presidencies —

No 846.—*Fort William the 11th February 1876* —*Leave and Allowances* —In supersession of all existing orders on the subject, the Governor General in Council is pleased to rule for the future that a Commissioned Medical Officer holding a Civil appointment on consolidated pay, which is less than his Military pay, shall receive the difference between his Civil and his Military pay only if he is prevented from resigning his appointment for public reasons, to be approved by the Government of India in the Military and Financial Departments, and that whenever a Commissioned Medical or other Military Officer holding a Civil appointment on consolidated pay, which is less than his Military pay, is allowed to draw the difference between them, he shall draw it from the Department from which he receives his consolidated pay.

No. 299.—*The 17th March 1876* —The services of Surgeons R. D. Murray and D. W. D. Commis of the Medical Department, are placed temporarily at the disposal of the Government of Bengal.

R L MANGLES,
Offg. Secy. to the Govt. of Bengal.



The Calcutta Gazette.

WEDNESDAY, MARCH 22, 1876.

PART IV.

Bills of the Bengal Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

THE following Report of the Select Committee on the Bill to make better provision for the partition of estates paying revenue to Government in the Lower Provinces of the Presidency of Fort William in Bengal, with the Bill as amended by them, is, by order of the President, published for general information:—

WE, the members of the Select Committee to whom the Bill "to make better provision

From Commissioner of Dacca, dated 8th June 1875, and enclosure
From Commissioner of Patna, dated 14th July 1875, and enclosure.
From Commissioner of the Orissa Division, dated 16th July 1875,
and enclosure.

From Commissioner of Patna, dated 16th August 1875
Hemi-official letter from H. Mosley, Esq., Joint-Magistrate, Arrah,
dated 20th December 1875

Notes by J. Heams, Esq., Collector of Cuttack
Notes by T. E. Ravenshaw, Esq., Commissioner of Orissa.

Memorandum by Naboo Joykrato Mookerjee

From Collector of Girah, dated 14th January 1876

From Collector of Nabadah, dated 17th January 1876.

provisions of the Bill, and have introduced some important additions.

We have divided the Bill into ten Parts.

PART I

In the first Part we have added numerous definitions; and have made alterations in the definitions of "Deputy Collector," "Estate," and "the Collector."

We have provided that partitions of estates in progress when the Bill comes into force may be completed either under the procedure of the old law, or of this Bill, as the Collector may think best, and that certain provisions of the Bill as to striking cases off the file after estates have been admitted to partition may be applied to such pending cases. We have reproduced in other words the provision of the existing law, that the land revenue shall be assessed on each separate estate into which the parent estate is broken up, in proportion to the assets of such estate.

We have laid down a rule for calculating the rental of land to form the basis of partition proceedings.

PART II.

In view of the provisions of the Bill for the compulsory registration of estates and of the interests of proprietors therein which is now before this Council, we have provided that only recorded proprietors of joint undivided estates, who are in actual possession of the proprietary interests in respect of which they are recorded on the Collectors' registers, shall be entitled to claim partition of estates, and separation of the interests which they hold therein.

We have specified the different kinds of interests which proprietors ordinarily hold in estates, and have defined the rights of the holders of each kind in respect of the assignment to them of lands as their separate estates.

We have debarred the holders of life interests only in estates from applying for partition of such estates.

We have provided that no partition shall be made which would result in the formation of a separate estate liable for an annual amount of revenue less than twenty rupees, and of which the assets would be less than two hundred rupees, unless the proprietor of such estate agrees to redeem the revenue for which such estate would be liable, by a capitalized payment at such rate as the Lieutenant-Governor may determine with reference to the circumstances of each case.

We have provided that when an estate has been divided by private arrangement of the proprietors, and the lands are held in severalty by the proprietors in accordance with such arrangement, no partition of such estate shall be made under the provisions of the Bill otherwise than on the joint application of all the proprietors.

We have provided that no partition shall be made of which the effect would be to break up a compact estate into one or more estates consisting of lands so scattered as to endanger the public revenue.

We have provided that nothing in this Bill shall relieve the entire parent estate from its joint liability for the whole amount of land revenue assessed upon it until the partition proceedings are completed, and the applicant for partition has been finally put in possession of the separate estate representing his interest; from which time each separate estate formed by the partition will become separately liable for the amount of land revenue assessed upon it. Up to such time we have left it to joint proprietors to protect their several interests by causing separate accounts to be opened for their respective shares under Act XI of 1859.

PART III.

We have laid down in detail the procedure for dealing with applications for partition, and have required applicants to file copies of their rent rolls and statements of their collections with their applications when possible.

We have provided that when objection is made to the extent of interest claimed by an applicant or a question of right and title is raised, as between the applicant and other persons claiming to be proprietors, it shall be in the discretion of the Collector either to refuse to make the partition, or, if satisfied that the applicant is in possession in accordance with his claim, to direct that the partition shall proceed in accordance with the applicant's claim, or to direct that the proceedings be postponed for four months in order to give the objector an opportunity of instituting a suit to try the question in dispute.

We have provided that if the objector fails to avail himself of such opportunity, or if he fails to bring a suit within four months of the date on which the Collector has ordered the partition to proceed notwithstanding his objection,

or within four months of the date on which the Collector has admitted an estate to partition, no objection having been made to such admission,

he shall by such laches forfeit his right to recover any interest in common tenancy of the parent estate.

No suit brought after the expiration of the four months shall be allowed to stay or to interfere with the partition proceedings; and every decree passed in such suit will be subject to such proceedings, so that any right which the plaintiff may recover will give him a status in that separate estate only which is in process of being formed for, or, which has been assigned to the individual proprietor from whom the plaintiff is declared by the decree to be entitled to recover.

We have provided that the Collector may employ a Deputy Collector to make the enquiries connected with an application, but that all important orders shall be passed by the Collector himself.

We have provided that as soon as the Collector has ordered a partition to be made, he may appoint a Deputy Collector to carry out the partition.

We have provided that after an estate has been admitted to partition, the case may be struck off the file at the joint request of the parties thereto, or, by order of the Commissioner for good and sufficient reason.

PART IV.

We have empowered the officer making the partition to appoint the necessary amins and establishments for carrying it out, and to fix their remuneration under sanction of the Commissioner; and have authorized the appointment of special establishments in the office of the Collector and of the Commissioner when the partition cases to be supervised are so numerous or extensive as to require such agency.

We have defined what items shall be deemed costs leviable from the parties to a partition.

We have provided that in districts in which partitions are numerous, instead of leaving the expenses of each partition to be dealt with separately, the Lieutenant-Governor may order the formation of a general fund for the partition of estates to which all sums levied on account of making partitions shall be credited, and all costs of establishments entertained for that purpose and other expenses charged; and for districts in which the partition work is so heavy as to require this organization, we have provided that the salary of the Deputy Collector whose time is employed in making the partitions shall form a portion of the expenses leviable from the parties.

We have provided that where a general fund is formed, the expenses may be levied from the parties in the shape of fees on a scale to be fixed by the Board so as to keep the receipts and charges of the fund as far as possible in equilibrium, and that the accounts of the fund of each district shall be published annually for general information.

We have given power to the Commissioners to order that any proprietor who wilfully delays the progress of a partition and thereby increases the cost of it, shall be required to pay more than his proportionate share of the expenses.

PART V.

We have provided that rent-rolls and measurement papers filed shall be verified by a person who has a personal knowledge of the facts.

We have laid down the procedure as to the summoning of parties and witnesses and the enforcement of the production of papers, and have provided that the cost of any special enquiry which is rendered necessary by the delay of any party to make an objection at the proper time shall be borne entirely by such party.

PART VI.

We have provided for partitions being effected by the parties themselves and by arbitrators, such partitions being subject to the approval of the revenue officers for the protection of the public revenue.

PART VII.

We have provided that the general arrangement of the partition shall be devised, and the situation of the several separate estates indicated, by the Deputy Collector himself, in consultation with the parties; thus depriving the ameens of the power of suggesting and initiating such general arrangements, which they now enjoy and notoriously abuse.

In order to avoid the unnecessary delay and waste of labor which is caused by the Collector at a later stage of the proceedings disapproving of the general arrangement made by the Deputy Collector, we have provided that the approval of the Collector to the general arrangement proposed by the Deputy Collector shall be obtained before its details are carried out.

We have allowed the officer conducting the partition to award the payment of compensation to persons whose attendance at the office on days fixed for hearing has been rendered fruitless by the fault of others.

We have laid down the procedure for completing the details of a partition, and for the consideration and approval or amendment or rejection by the Collector of a partition as made by the Deputy Collector.

PART VIII.

In re-enacting the existing rules for the guidance of officers making partitions, and in adding new rules to clear up certain points which have hitherto been doubtful, we have distinguished between rules applicable to estates of which the lauds are held in common tenancy, to estates of which the lands are held in severalty, and to estates of both classes.

We have made compactness of the estate a consideration secondary to the main object of making an equitable partition.

We have provided that whenever the dwelling-house of one proprietor is situated on land which is unavoidably assigned to the separate estate of another proprietor, the former shall be allowed to hold the land on which it is situated on payment of a rent to be fixed in perpetuity by the officer making the partition; and that this annual rent may be redeemed by payment of a capitalized sum.

We believe that this provision will be appreciated as a boon by those concerned.

We have empowered the officer making the partition to make a similar arrangement allowing a proprietor to hold, on a fixed rent, as tenant of another proprietor, orchards and other lands which have acquired a special value to him, or through the improvement made by him, but we have not provided that the rent fixed on such lands may be redeemed.

We have provided that when lands of an estate are held in severalty by the proprietors in accordance with a private arrangement made by them, such estate shall not be brought under partition otherwise than on a joint application from all the proprietors thereof.

We have allowed the Collector to give effect under this law not only to the private division of lands as made among themselves by the proprietors, but also to any private arrangement which they may have made as to the proportions of the whole land revenue for which each proprietor's share shall be liable; provided always that such private arrangement can be accepted with reasonable security to the public revenue, and not otherwise.

We have laid down rules as to the mode of allotting lands held without payment of rent, and lands held on permanent intermediate tenures, the rent of which cannot be altered by the proprietors or their representatives.

We have prescribed a procedure for dealing with lands held in common between the proprietors of the estate under partition and the proprietors of other estates.

We have laid down how the Collector is to act in case of a boundary dispute between the estate under partition and another estate.

We have provided that in cases in which a dispute has been raised before the Collector as to whether any lauds belong to the estate under partition or to any other estate, and the Collector has included the disputed land on the partition, the fact of such disputed land being subsequently declared by a Civil Court not to have belonged to the estate which was under

partition shall not disturb the partition, but that the proprietor who is dispossessed of such land after it has been assigned to his separate estate by the Collector, shall be entitled to recover compensation on account of the reduction in the proportionate value of the separate estate assigned to him; such compensation being recoverable from the proprietors of the separate estates on which a proportionate share of the loss caused by the decree of the Civil Court in respect of the said lands does not fall.

We have provided that the officer making the partition may, in his discretion, allot equal separate estates according to lot, or may, with the sanction of the Collector, dispense with lots; and we have provided that two or more shares may be aggregated so as to form equal shares for the purpose of casting lots.

PART IX.

We have prescribed a procedure for the Commissioner in dealing with partition cases; and have authorized the Collector to cause boundary marks defining the separate estates formed by the partition to be erected at the cost of the proprietors; and have provided that such marks shall be maintained as provided in the Bengal Survey Act, 1875.

PART X.

We have provided that a tenure created by one or more proprietors of a joint undivided parent estate, but not by all the proprietors of such estate jointly, shall, after partition of the estate, hold good in respect of, and be confined to, the separate estate which has been assigned to the proprietors who created such tenure.

We have generally retained the provisions of the existing law empowering the Lieutenant-Governor to readjust the apportionment of land revenue on separate estates where fraud is discovered within twelve years of a partition.

We have specified the mode of publication of general notifications, and of service of notices on individuals.

We have empowered the Collector to enforce compliance with his requisitions by imposition of a daily fine.

We have provided that the cost of any local enquiry may be dealt with apart from the general expenses of a partition, and levied from any party on whom the officer making the partition thinks proper to impose the payment of such cost.

We have provided that all sums payable under this Bill shall be leviable as demands under Bengal Act VII of 1868.

We have specified the orders of a Deputy Collector, of a Collector, and of a Commissioner respectively, against which an appeal will lie as of right to the superior revenue authority, but we have provided that all proceedings and orders of every subordinate authority will be subject to supervision, control, and revision by the superior authorities.

We have authorized the Commissioner and the Board to pass such orders as they think proper as to the payment of costs of appeals made to them respectively.

We have provided that the Lieutenant-Governor may vest any Collector or Deputy Collector employed on a partition with any powers with which such officer might be vested if the parent estate were under settlement.

We have provided that under the orders of a Civil Court or of the Board, partition of a revenue-free tenure may be made under the provisions of the Bill.

We have provided that a revenue officer may exercise the same powers as a civil court in respect of false evidence given on forgery brought to light in the course of partition proceedings.

We have defined the orders of revenue officers which shall be final, and not liable to be contested in any civil court, or otherwise than as provided in this Bill.

We have reserved a general power of control to the Lieutenant-Governor, and have provided that the Board shall make rules for the guidance of officers;

And we have made other verbal and minor changes in the Bill, as referred to us.

H. L. DAMPIER.
V. H. SCHALCH.
H. REYNOLDS.
JUGGADANUND MOOKERJEE.
KRISTODAS PAL.

The 16th March 1876.

N.B.—In signing this report I think it proper to mention, with reference to Part II of this Bill, that I am opposed to those provisions of the Bill for the compulsory registration of estates which require the registration of the extent of interest possessed by proprietors, and that it is my intention to move an amendment regarding those provisions when that Bill comes before the Council.

H. REYNOLDS.

AMENDED BILL.

A Bill to make better provision for the Partition of Estates..

WHEREAS it is expedient to consolidate and amend the law relating to the partition of estates;
 It is enacted as follows:—

PART I.
PRELIMINARY.

1. This Act may be called the "Estates' Partition Act, 1876."

It extends to the territories for the time being under the administration of the Lieutenant-Governor of Bengal,

And it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General, which date is hereinafter referred to as the commencement of this Act.

2. When and so soon as this Act shall come into force, the Regulations and Acts specified in the Schedule hereto annexed, to the extent mentioned in the third column thereof, shall cease to have effect in the territories subject to the Lieutenant-Governor of Bengal, save so far as they repeal or modify any other Regulations or Acts, and save so far as regards the partition of any estate which shall be pending at the time of the commencement of this Act.

The partition of any estate which shall be pending at the time of the commencement of this Act shall (except as provided in the next succeeding section) proceed and be completed in the same manner as if this Act had not been passed.

3. The provisions of this Act, so far as they relate to the continuation of a partition from the point which it has reached, or to the staying of the partition of an estate, or to striking a partition case off the file, may be applied at the discretion of the Collector, in all cases of partition of estates pending at the time of the commencement of this Act, provided that before applying such provisions to the continuation of a partition the Collector give due notice in each case to the parties concerned that such provisions will be applied.

4. In this Act—unless there be something repugnant in the subject or context—

(i) "Amin" means a person who is appointed by the Collector or Deputy Collector to make any measurement, survey, or local inquiry, or to prepare the papers showing the result of any measurement, survey, or local inquiry.

(ii) "Applicant" means any person who has applied to the Collector under the provisions of this Act, for the separation from the parent estate of lands representing his interest in such parent estate, and for the assignment to him of such lands as a separate estate liable for a demand

of land revenue distinct from that for which the parent estate is liable.

(iii) "Assets of land" include the rental of the land with respect to which the expression is used, all profits derived by the proprietors out of such land from rights of pasturage, forest-rights, fisheries, and all other legal sources.

(iv) "Assets of an estate" mean the assets of all land included in an estate.

(v) "Board" means the Board of Revenue for the provinces for the time being subject to the Lieutenant-Governor of Bengal.

(vi) "Chapter" means a chapter of this Act.

(vii) "Deputy Collector" includes any Assistant Collector, Deputy Collector, or Sub Deputy Collector whom the Collector may appoint (as he is hereby empowered to do) to effect a partition and allotment of assessment under this Act, or to conduct any of the proceedings connected with such partition and allotment.

(viii) "Estate" means all lands which are borne on the revenue-roll of a Collector as liable for the payment of one and the same demand of land revenue.

(ix) "Joint undivided estate" means all lands which are borne on the revenue-roll of a Collector as liable for the payment of one and the same demand of land revenue, and of which two or more persons are proprietors.

(x) "Land" does not include the houses and buildings standing thereon.

(xi) "Lieutenant-Governor" means the Lieutenant-Governor of Bengal for the time being or the person acting in that capacity.

(xii) "Parent estate" means any estate for the partition of which proceedings may be in progress under this Act, or of which the partition may have been effected under this Act.

(xiii) "Proprietor" includes every person who is in possession of any estate under partition, or of any portion of such estate, or of any interest in such estate or in any part of such estate, at owner thereof, whether such person be or be not a recorded proprietor of the estate.

(xiv) "Recorded proprietor" means a person whose name is registered on the Collector's general register of revenue-paying lands as proprietor of an estate or of any share or interest therein.

(xv) "Section" means a section of this Act.

(xvi) "Separate estate" means any distinct estate which may be formed by the partition of a parent estate under this Act, or for the formation of which proceedings may be in progress under this Act.

(xvii) "The Collector" means the Collector of the district on the revenue-roll of which the estate under partition, or which it is proposed to bring

under partition, is borne, and includes any officer whom the Board may generally vest (as it is hereby empowered to do) with the powers of a Collector under this Act, and to whom the Collector of the district has, with the sanction of the Commissioner, delegated (as he is hereby empowered to do) any of his duties and functions in respect of the partition of any estate; and any officer whom the Board may specially vest (as it is hereby empowered to do) with the powers of a Collector for the purposes of any partition under this Act.

(xviii) "The Commissioner" means the Commissioner of Revenue to whom the Collector engaged in making the partition is subordinate.

5. All partitions of estates which shall be ordered to be made after the commencement of this Act, shall be made under the provisions of this Act, and no such partition made otherwise than under this Act shall relieve any lands from liability to Government for the total demand of land revenue assessed upon the estate of which they form a part.

6. The amount of land revenue assessed on each separate estate shall bear the same proportion to the whole amount of land revenue for which the parent estate was liable, as the assets of such separate estate bear to the whole assets of the parent estate.

7. Except as hereinafter otherwise expressly provided, the average of the amount of rent which was payable for any land by the cultivating ryots during the three years immediately preceding the year in which proceedings are taken under this Act for the partition of the estate shall, for the purposes of this Act, be deemed to be the rental of such land;

and if any land is not let, but is held and occupied directly by the proprietors or any of them, the annual rent for which such land might reasonably be expected to let shall be deemed to be the rental of such land.

Exception 1—If the rent payable by the cultivating ryots on account of any land shall have been determined by any Court of competent jurisdiction, or shall have been altered with the consent of the said ryots at any time during the said three years, the amount so determined, or the amount to which the rent may have been so altered, shall be deemed to be the rental of the land.

Exception 2.—If any land is held on a permanent tenure which was created by all the proprietors of the estate, and which by any law for the time being in force is protected against the purchaser at a sale for arrears of revenue, the rent payable by the holder of such tenure shall be deemed to be the rental of such land.

Exception 3.—If any land is held on a tenure which, although not protected as aforesaid, is admitted by all the recorded proprietors of the estate to be a permanent tenure created by all the proprietors of the estate, and of such nature that the rent thereof is not liable to be raised under any circumstances by the proprietors of the said estate, or any person deriving his title from such proprietors, the rent payable by the holder of such tenure (whether he be known as talukdar,

patnidar, mokarridar, or by any other designation) shall be deemed to be the rental of such land.

Exception 4.—If any land be unoccupied, such amount as the Collector may determine, with reference to all the circumstances of the case, shall be deemed to be the rental of such land.

PART II.

OF THE RIGHT TO CLAIM PARTITION.

8 Except as hereinafter otherwise provided,

every recorded proprietor of a joint undivided estate, who is in actual possession of the interest in respect of which he is so recorded, is entitled to claim a partition of the said estate, and the separation therefrom and assignment to him as a separate estate of lands representing the interest of which he is in such possession, provided that, and as far only as, such partition, separation, and assignment can be made in accordance with the provisions of this Act.

Any two or more such recorded proprietors may claim that lands representing the interests of all such claimants may be formed into one separate estate to be held by them as a joint undivided estate; and every provision of this Act which applies to an applicant for partition shall apply to any two or more persons making such joint claim.

9 (a) If the interest of any recorded proprietor who is entitled to

claim partition as aforesaid is an undivided share in an estate held in common tenancy, such person shall be entitled to have assigned to him lands of which the assets shall bear the same proportion to the assets of the parent estate as his undivided share in the parent estate bears to the entire parent estate.

(b) If the interest of such recorded proprietor is the proprietary right of certain specific mouzahs or lands forming part of the parent estate, and held by him in severalty, he shall be entitled to have assigned to him the said mouzahs or lands.

(c) If the interest of such recorded proprietor consists of an undivided share held in common tenancy in certain specific mouzahs or tracts forming part of the parent estate, (but not extending over the whole area of the parent estate,) he shall be entitled to have assigned to him lands situated within such specific mouzahs or tracts, of which the assets shall bear the same proportion to the assets of such specific mouzahs or tracts as the share which he holds in such specific mouzahs or tracts bears to the entire mouzahs or tracts.

Provided that if the interest of such recorded proprietor consists of such undivided share in more than one mouzah or tract, he shall not be entitled to have lands assigned to him in every such mouzah or tract; but the Collector may assign to him lands situated in any one or more of the said mouzahs or tracts, provided that the assets of such lands are in proportion to the aggregate of the interests which he holds in all such mouzahs or tracts.

(d) If such recorded proprietor holds in the parent estate more than one of the kinds of interest specified in this section, lands shall be assigned to

him as far as possible in accordance with the principles above laid down.

10. Notwithstanding anything hereinbefore contained, no person having a proprietary interest in an estate for the term of his life only shall be deemed to be a person entitled to claim partition under this Act.

11. No application for the partition of an estate shall be admitted, and no partition of an estate shall be made if the result of such partition would be to form any separate estate liable for an annual amount of land revenue less than twenty rupees, and of which the assets would be less than two hundred rupees, until the proprietor of such separate estate agrees to redeem the amount of revenue for which his estate would be liable, by payment of such sum as the Lieutenant-Governor may fix with reference to the circumstances of such estate.

12. Whenever a division of the lands of any estate has been made by private arrangement of the proprietors thereof, and in accordance with such arrangement each proprietor is in possession of separate lands held severally as representing his interest in the estate, no such estate shall be brought under partition and no partition of such estate shall be made under this Act otherwise than on a joint petition presented by all the proprietors thereof, unless such partition shall have been ordered to be made by a Civil Court.

13. The Collector may refuse to admit an application for the formation of lands held in severalty into a separate estate, if in consequence of such lands being intermingled with those held by other proprietors the result of the partition would be to form out of a compact estate one or more estates consisting of scattered parcels of land, in such a way as, in the opinion of the Collector, to endanger the safety of the public revenue, and the Collector may at any time refuse to proceed with a partition which would have such a result.

But a partition may be allowed in such a case if the recorded proprietors shall agree to such a distribution of land as shall make the estates formed by the partition reasonably compact, or if the person who would on the completion of the partition be proprietor of such scattered separate estate agrees to redeem, in the manner provided in section 11, the amount of revenue for which his separate estate may be made liable.

Nothing in this section shall be understood to prohibit the partition into separate estates of a parent estate which before such partition is not compact and consists only of scattered parcels of land.

14. No proprietor who has alienated any portion of his interest in an estate or in any specific lands of an estate, by private contract, with the condition that the transferee shall be liable in respect of the interest acquired by him to pay a specified amount or a specified share of the land revenue for which the

estate is liable (such amount or share being other than the proportionate amount or the proportionate share for which such transferred interest if formed into a separate estate would be liable under the provisions of section 6);

and no proprietor who has derived his title from any proprietor who has made any alienation as aforesaid,

shall be entitled to claim a separation under this Act of the interest which he continues to hold in the estate;

and no such transferee as aforesaid, and no person deriving his title from such transferee, shall be entitled to claim a separation of the interest which has been so acquired:

Provided that a separation of such interests may be made, if the parties concerned agree to waive the conditions of the contract as regards the proportion of revenue for which the transferor and transferee or their representatives respectively are liable, and to hold the estates which may be allotted to them respectively by the partition, subject to the payment of such amount of land revenue as may be assessed upon them respectively by the revenue authorities under this Act.

15. Notwithstanding that a parent estate may have been declared to be under partition as provided in section 31, any arrears of revenue accruing due on such estate before the date specified in the notice issued under section 119 may be realized by sale of the parent estate as if such estate had not been declared to be under partition; and if such sale takes place the partition proceedings shall cease from the date thereof.

16. Nothing contained in the last preceding section shall be deemed to affect the provisions of sections 10, 11, 12, 13, or 14 of Act XI of 1859 (an Act to improve the law relating to sale of lands for arrears of revenue), or any provisions of any similar law for the time being in force in respect to the opening of separate accounts for different shares in an estate, and the protection afforded to such shares thereby:

Provided that if any share in any estate is sold for its own arrears of revenue while such estate is under partition in accordance with the provisions of this Act, such share shall be sold subject to the partition proceedings, which shall proceed as if no such sale had taken place; and the purchaser of the share sold may, from the date of such sale, exercise all the rights which the proprietor whose share he has purchased might have exercised, and shall be subject to all the liabilities to which such proprietor would have been subject, in respect of the partition proceedings.

Provided that if any share in any estate is sold for its own arrears of revenue while such estate is under partition in accordance with the provisions of this Act, such share shall be sold subject to the partition proceedings, which shall proceed as if no such sale had taken place; and the purchaser of the share sold may, from the date of such sale, exercise all the rights which the proprietor whose share he has purchased might have exercised, and shall be subject to all the liabilities to which such proprietor would have been subject, in respect of the partition proceedings.

PART III.

OF THE APPLICATION FOR PARTITION; THE ADMISSION OF AN ESTATE TO PARTITION; AND THE DISCONTINUANCE OF THE PARTITION PROCEEDINGS AFTER SUCH ADMISSION.

17. All applications for partition shall be made to the Collector of the district on the revenue-roll of which the estate is borne, and shall be made in person or by duly authorized agent, on paper bearing

such stamp as may be required by any law for the time being in force.

18. The application shall be signed by the applicant, and shall supply the following information in regard to the parent estate, so far as the particulars are known to the applicant or can be ascertained by him:—

- (a) name of the estate;
- (b) number under which the estate is borne on the revenue roll, and the revenue demand for which it is liable;
- (c) number under which the estate is borne on the Collector's general register of revenue-paying lands;
- (d) name and address of every proprietor, whether recorded or unrecorded;
- (e) the character and extent of the right of which each proprietor is in possession;
- (f) a specification of any lands held by all or any of the proprietors of the parent estate in common with all or any of the proprietors of other estates, and of the rights of such proprietors.

19. Subject to the provisions of section 59, every application shall, if possible, be accompanied by a copy of the rent-roll of the estate, by a statement of the rents collected from such estate on behalf of the applicant during each of the three years immediately preceding such application, and by copies of any measurement papers of the estate which the applicant may have in his possession.

The said rent-roll, statement, and measurement papers shall be attested by the patwari or patwaris of the villages, if any, and every such application, rent-roll, and statement shall be presented, subscribed, and verified as provided in section 43.

If the applicant is unable to produce a rent-roll or statement as above required he shall state the reason of such inability, and the name and address of the person who has in his possession the information necessary for the preparation of such rent-roll and statement, and the Collector may, if he shall think fit, require such person to produce such rent-roll and statement.

20. If the application does not fulfil the requirements of the three last preceding sections, the Collector may reject such application or may order it to be amended.

21. If, in the opinion of the Collector, the application fulfils the said requirements and there appears to be no objection to making the partition applied for, the Collector shall publish a notification of the application in the manner prescribed in section 139, and shall also cause copies thereof to be posted up at the Court of the Judge of the district, at the court of every Munsif and Sub-divisional Officer within whose jurisdiction, and at every Police Station within the jurisdiction of which any lands appertaining to the estate are known to be situated, and shall invite any person claiming any proprietary right in the estate, who may object to the partition, to state his objection either in person or by duly authorized agent, on a day to be specified in the notification, not being less than thirty or more than sixty days from the date of the publication of the notification on the estate.

22. Notice of the application shall also be served in the manner prescribed by section 131, on such of the recorded proprietors of the estate as shall not have joined in the application, and on any other proprietor who may have been named in the application.

23. If any objection be made to the partition by any person claiming a proprietary right as aforesaid on or before the day specified in the notification published under section 21, or at any subsequent time if it shall seem fit to the Collector to admit such objection, and the Collector, on consideration of such objection, shall be of opinion that there is good and sufficient reason for rejecting the application, he may reject the same, and in that case shall record the grounds of such rejection.

24. If the objection raise any question of the extent of interest, or right, or title as between any applicant and any other person claiming to be a proprietor of the parent estate, and if it shall appear to the Collector that such question has not been already determined by a Court of competent jurisdiction, the Collector may hold such inquiry as he may deem necessary into the objection, and, if he be satisfied that the applicant is in possession of the extent of the interest for the separation of which he has applied may, instead of rejecting the application as provided in the last preceding section,

(a) direct that the partition proceedings shall proceed for the purpose of forming and assigning to the applicant a separate estate proportionate to the extent of interest claimed by him in the parent estate; or

(b) direct that such proceedings be postponed for four months.

25. At the expiration of the said four months, the Collector shall resume the proceedings, unless the person who has made the objection, or some other person, shall have obtained an order from a Civil Court directing that such proceedings be stayed, or shall be able to show that a suit has been instituted before such Court to try some question, of such nature that the Collector shall think fit to stay such proceedings until the question shall have been finally decided, or until the proceedings in such Court in respect thereof shall have terminated.

26. No suit instituted in a Civil Court by any person claiming any right or title in the parent estate, after the lapse of four months from the issue of an order of the Collector under clauses (a) and (b) of section 24, or after the lapse of four months from the issue of an order of the Collector under section 31, shall avail to stay or affect the progress of any proceedings which shall have been taken under this Act for the partition of an estate; and all rights which may be conferred on any person by the final decree in such suit shall be subject to such proceedings as hereinafter provided.

27. Every decree passed in such suit after the parent estate shall have been declared to be under partition as provided in section 31, but before the date specified in the notice under section 119, shall be made in recognition of the proceedings then in progress under this Act for the partition of such parent estate, and shall be framed in such manner that the provisions of such decree may be applied to, and may be carried out in reference to the separate estates which the Collector in his proceeding under section 31 shall have ordered to be formed out of the parent estate;

and if the effect of any such decree be to declare any person or body of persons, entitled to any extent of interest in such parent estate in excess of the extent of interest which the Collector in the said proceeding has declared to be held by such person or body of persons, such decree shall specify, separately in respect of every proprietor or body of proprietors, of whose interests the Collector has separately specified the extent in the said proceeding, the proportion of such excess which such person or body of persons is entitled to recover from each such proprietor or body of proprietors.

and every person or body of persons so declared entitled to recover any extent of interest from any such proprietor or body of proprietors shall for the purposes of the partition proceedings be deemed to have the same rights, and to be subject to the same liabilities, as a person who has acquired such extent of interest from such proprietor or body of proprietors by private purchase, after the estate was brought under partition under section 31, and on the date on which the decree was passed;

and such person or body of persons may apply, as in this Act provided, for the separation and assignment to him or them, of the lands representing the extent of interest so acquired;

and such application shall be dealt with under the provisions of section 32

28. Every decree passed in such suit after the date specified in the notice under section 119, shall be made in recognition of the partition proceedings, and shall be framed in such manner as to give effect to such division of the parent estates into separate estates as shall have been made by the Collector, and not to disturb such division; and if the effect of any such decree shall be to declare any person or body of persons to have been entitled to any extent of interest in the parent estate in excess of the extent of interest which is represented by the separate estate assigned to such person or body of persons by the Collector in the partition proceedings, such decree shall specify, separately in respect of the proprietor or joint proprietors of every separate estate formed by the partition, the proportion of such excess of interest which such person or body of persons is entitled to recover from such proprietor or joint proprietors; and every person or body of persons so declared entitled to recover any extent of interest from the proprietor or joint proprietors of a separate estate shall be entitled to recover such extent of interest out of the separate estate which has been assigned to such proprietor or joint proprietors, and out of such separate estate only;

and every such decree as aforesaid shall be executed by placing the person or persons so declared entitled to recover, in the position of a recorded joint proprietor or recorded joint proprietors of such separate estate, holding the same as a joint undivided estate in common tenancy with the proprietor or joint proprietors to whom such separate estate was assigned by the Collector in the partition proceedings, the extent of the interest of the joint proprietors respectively in such estate being such as is declared in the aforesaid decree

29. Subject to the provisions of section 11, a Civil Court may at any time direct the Collector to assign to any person lands representing a specified fractional interest in any estate or in any specified village or tract of land in an estate, to be held by such person as a separate estate, or to divide off from any estate any specified villages or lands, and to assign them to any person to be held as a separate estate, provided that an application for such partition and separation shall be presented by such person, as required by sections 17, 18, and 19; but no Civil Court shall in any case specify the amount of revenue for which any separate estate which it may direct to be formed under the provisions of this section shall be liable

30. The Collector shall assess the land revenue on every such separate estate in accordance with the provisions of this Act, and no Civil Court shall direct the Collector to carry out at partition otherwise than in accordance with the provisions of this Act

31. If no objection be made within the time allowed under section 21 to an application for partition, or when all objections preferred have been disposed of, and if the Collector has no reason to believe that any obstacle exists to his making the partition as applied for, he shall direct that the application be admitted, and record a proceeding declaring the estate to be under partition, for the purpose of forming and assigning to the applicant a separate estate.

In such proceeding the Collector shall declare the extent of interest in the parent estate which he finds to be held by the applicant, or joint applicants;

and, if more than one separate application for separation shall have been made and admitted, the extent of interest which he finds to be held by every separate applicant, or body of joint applicants, respectively;

and also the extent of interest which remains to any recorded proprietor, or to any number of recorded proprietors who are not applicants;

and shall order that lands proportionate to the interest so declared to be held by each applicant, or body of joint applicants, respectively, shall be formed into a separate estate, to be assigned to such applicant, or body of joint applicants;

and that lands proportionate to the interest so declared to remain to the recorded proprietor, or the number of recorded proprietors who are not applicants, shall be left forming a separate estate, to be held by such proprietor, or number of proprietors.

32 If at any time after the Collector has made an order for partition under the last preceding section, any recorded proprietor in the estate, other than the original applicant, shall apply for the separation of his share, the Collector may either order that the proceedings for effecting such separation shall be carried on simultaneously with those for separating the share of the original applicant, or if he consider that such a course would entail delay in the completion of the original proceedings he may order that no action shall be taken on such subsequent application until after the proceedings for the separation of the original applicant's share shall have been completed.

In the latter case all or any of the rent-rolls, measurements, and other papers which were used in the separation of the original applicant's share, may be used, as far as they are applicable, in the partition for which subsequent application has been made.

33. The Collector may refer any application for partition to a Deputy Collector for the purpose of making any enquiries and doing anything required by this Part; provided that every order—

(a) rejecting an application under section 23, or section 24;

(b) directing, under section 24, that the partition shall proceed, or shall be suspended;

(c) directing, under section 31, that an application for partition be admitted, and declaring an estate to be under partition;

(d) made under the first clause of the last preceding section;

(e) appointing a Deputy Collector under section 34 to carry out the partition;

(f) striking a case off the file under section 35;

shall be passed by the Collector and not by any Deputy Collector.

34. As soon as the Collector has declared an estate to be under partition as provided in section 23, he may appoint a Deputy Collector to carry out the partition, and all or any of the proceedings necessary thereto.

35. If at any time after an order shall have been passed for making a partition all the recorded proprietors of the estate shall present a petition to the effect that they do not wish the partition to proceed, the Collector may, on the report of the Deputy Collector or otherwise, strike the partition case off the file, on payment by the proprietors of all costs and expenses incurred in and about such partition; and any such costs and expenses which shall not already have been levied as provided in section 39 or 40, shall be levied in proportion to the shares of the respective proprietors.

36. If at any time after an order shall have been passed for making a partition, it shall appear from information which was not before the Collector at the time the partition was ordered, or otherwise,

that any sufficient reason exists, why the partition should not be proceeded with, the Commissioner may, on the report of the Collector or otherwise, after issuing a notice calling on the persons interested to show cause why the partition should not be struck off the file, and after considering any objections which may be made, order the partition case to be struck off the file, on payment by the proprietors of all costs and expenses incurred as provided in the last preceding section.

PART IV.

OF ESTABLISHMENTS FOR EFFECTING PARTITIONS.

37 For the purposes of this Act, the Deputy Collector may, with the approval of the Collector, and subject to any rules made in that behalf by the Board, appoint such amins and other officers as may be required for making the measurement and survey of lands, for ascertaining and recording the rates of rent, for making any other local enquiries, and for the preparation of the papers in each case; and the Collector may appoint such peishkars or other superior officers as may be required to test the work of the amins, and for the performance of similar duties, provided that the scale of remuneration of such officers, and the time for which they shall be employed, shall be sanctioned by the Commissioner.

38 In any district or division in which the partitions may be so numerous or so extensive as to render necessary the appointment of special establishments in the office of the Collector or of the Commissioner, the Collector and the Commissioner may, with the sanction of the Board, appoint such establishments.

39 As soon as possible after an estate has been declared to be under partition as provided in section 31, the cost of making the partition shall be estimated, and the amount shall be levied from the proprietors in such instalments and at such times during the progress of the partition as may be fixed in accordance with any rules which the Board may make in that behalf.

If the amount first estimated is found insufficient, supplementary estimates may be made from time to time, and the required amount may be levied as above provided.

40 The cost shall be apportioned on the proprietors of each share in proportion to their shares; but whenever it shall appear to the Commissioner that the partition proceedings have been unnecessarily delayed, and the cost of the partition enhanced by obstacles vexatiously put in the way of their completion by one or more of the proprietors, or by want of due diligence on the part of one or more of the proprietors in carrying out any requisitions made upon him or them, the Commissioner may direct that such portion of the cost as he may think proper in excess of the amount proportionate to his or their share shall be levied from such proprietor or proprietors.

41. Upon the completion of the partition, the Collector shall make an order declaring the total cost thereof. The account shall then be adjusted, either by returning to the proprietors any sums which they may have paid in excess of the total cost, or by levying from them in the manner provided in section 136, if necessary, any sums remaining due.

What are costs payable from proprietors

42. For the purposes of sections 39, 40, and 41, the costs of any partition shall be deemed to be

(a) the cost of any establishments entertained for the partition under section 37, or such amount as the Collector may think proper in respect of the services of any such establishments which are entertained for the purposes of making partitions in the district;

(b) all contingent expenses incurred in and about the partition, and

(c) such portion of the cost of any establishment entertained under section 38 as the Collector may order.

43. Notwithstanding anything contained in the six last preceding sections, the Lieutenant-Governor may direct that in any district a fund to be called the "Estates' Partition Fund" shall be formed, into which all sums levied from the proprietors of estates in respect of partitions of their estates shall be paid.

Whenever such a fund shall have been established in any district, all expenses of making partitions of estates in such district shall, except as hereinafter otherwise provided, be defrayed from such fund.

44. Whenever the Lieutenant-Governor shall have ordered an "Estates' Partition Fund" to be formed in any district, the charges leviable from the proprietors of any estate under partition may be estimated and levied according to the estimate in each case as provided in sections 39 and 40, subject to final adjustment, as provided in section 41; or they may be levied according to a general scale of fees to be laid down by the Board.

45. Such scale of fees shall be fixed as nearly as may be, so that the receipts and expenditure of the said fund shall balance one another, and shall be revised from time to time by the Board for that purpose; and sections 39 and 40 shall apply to such fees.

46. An abstract of the Estates' Partition Fund of each district made up to the end of each year shall be published in the *Calcutta Gazette*, and by being posted up at the office of the Collector of the district.

What costs of partition chargeable to Estates' Partition Fund.

47. For the purposes of sections 43, 44, and 45 the expenses of making partitions in any district shall be deemed to be

(a) the cost of all establishments entertained in the district under section 37;

(b) all contingent expenses incurred in all partitions in the district;

(c) the pay and allowances of any Deputy Collector who is employed exclusively on making partitions in the district, or such proportion as the Collector may think proper of the pay and allowances of any Deputy Collector who is partly employed in making such partitions;

(d) the cost of any special establishment appointed in the office of the Collector under section 38;

(e) such portion as the Commissioner may direct of the cost of any special establishment appointed in his office under section 38.

48. Whenever any Civil Court shall make

a decree awarding or declaring any proprietary right in an estate, and shall require the Collector to make a partition of the estate, such Court may at the same time direct,

that the party or parties who may have withheld the right so decreed shall defray the whole of the expense which may be incurred in and about the partition, or the whole of the fees payable in respect of the partition under section 44,

or that the said expenses or fees shall be defrayed by all or any of the parties to the suit in which the decree was made in such proportions as the Court may, from a consideration of the particular circumstances of the case, deem equitable.

Copies of all orders which the Court may pass under this section shall be transmitted to the Collector for his guidance, together with the precept which the Court may issue to him, requiring him to divide the estate.

PART V.

OF THE PARTITION PROCEEDINGS UP TO THE ADOPTION OF A RENT-ROLL AND MEASUREMENT PAPERS.

49. As soon as the Collector shall have made an order under section 31 declaring an estate to be under partition, the Deputy Collector shall

cause a notification to be published in the manner prescribed in section 130, and shall also cause copies thereof to be posted up at the Court of the Judge of the district, in which any lands appertaining to the parent estate are known to be situated, and at the Court of every Munsif and of every Sub-divisional officer within the jurisdiction of whom, and at every Police station within the jurisdiction of which any such lands are known to be situated, intimating his intention to proceed with the partition, and requiring all the proprietors of the estate to produce before a certain date, being not less than forty days from the date of such notification, either jointly or separately copies of their rent-rolls and statements of the rents collected during each of the three years next preceding, and also copies of any measurement papers of the estate which may be in their possession.

A notice to the same effect shall also be served as provided in section 131, on each proprietor of the parent estate.

The Deputy Collector may, on sufficient grounds for so doing being shown to his satisfaction, from time to time extend the period for producing any such return.

50. Every rent-roll, statement of rents collected, and measurement paper furnished to the Collector under this Act shall be presented by the person who is required to produce the same or by a duly authorized agent of such person who has a personal knowledge of the facts stated therein, and shall be subscribed and verified at the foot by such person or such agent in the manner following, or to the like effect:—

"I, A.B., do declare that this rent-roll (statement, or measurement paper) is correct to the best of my knowledge and belief."

If the rent-roll, statement or measurement paper shall contain any entry which the person making the verification shall know or believe to be false, or shall not believe to be true, such person shall be subject to punishment according to the law for the time being in force for the punishment of giving or fabricating false evidence.

51. If any proprietor who is required to produce any rent-roll or statement by notice as aforesaid is unable to produce such rent roll or statement, he shall state to the Deputy Collector the cause thereof and the name and address of the person who has in his possession the information necessary for the preparation of such rent-roll and statement, and the Deputy Collector may, if he shall think fit, require such person to produce such rent-roll and statement.

52. The Deputy Collector may, if necessary, make, or may cause to be made, a measurement of all or any of the lands comprised in the estate, and may prepare or cause to be prepared a rent-roll, and may test or cause to be tested on the spot any rent-roll which has been produced as aforesaid, and may make or may cause to be made any local enquiry which he may consider necessary.

53. Before proceeding or deputing the amin to the spot, the Deputy Collector shall publish a notification in the manner prescribed in section 130 requiring the several proprietors of the estate, their managers, and any other persons employed in the management of the land, or otherwise interested therein, to attend in person or by agent upon him or upon the amin who is deputed to make the measurement or enquiry, for the purpose of pointing out boundaries and of affording such assistance and information as may be required for the purposes of this Act.

54. The Deputy Collector, and any amin or other person who is specially authorized in that behalf by the Collector, may, by a notice served as prescribed in section 131, require any proprietor or other person whose attendance may be required, to attend before the Deputy Collector or amin who is making such measurement or enquiry, within a specified time at any place for any of the purposes aforesaid.

55. If any objection be made to a measurement, map, or rent-roll prepared by the amin, or if for any other reason it seems desirable, the Deputy Collector

shall, as soon as possible after completion of the amin's work, himself test, or shall cause to be tested on the spot such measurement, map, and rent-roll, and may accept, amend, or reject the same, or any of them. If the Deputy Collector shall deem it necessary, he may cause the work or any portion thereof to be done again.

56. The Deputy Collector may examine any person on solemn affirmation, in regard to the papers produced before him, whether by the proprietors, by the amin deputed to make the measurement, or otherwise, and shall allow the parties concerned to put any necessary questions to such person.

The Deputy Collector shall also allow any proprietor or other person interested to examine the papers so produced, and to take a copy of the same, and after such examination shall hear any objections which any of the persons interested may make in respect of such papers, and shall decide whether any, and (if any), which of the papers as they stand, or with such modifications as he may think necessary, shall be accepted as correct for the purposes of the partition.

57. If any proprietor who has been required to produce a rent-roll or statement under section 49, fails to produce the same after the imposition on him of a fine under section 134 for thirty days, or fails to state to the Deputy Collector the name and address of any person under section 51, the Deputy Collector may declare that the said proprietor shall, for the purposes of the partition, be bound by such rent-roll as the Deputy Collector may adopt as the basis of the partition as hereinafter provided, and after such declaration any officer exercising authority under this Act may refuse to entertain any objection which such proprietor may make to such rent-roll.

58. If any person who has been required to produce a rent-roll or statement under section 44 shall fail to produce the same after the imposition on him of a fine under section 134 for thirty days, the Deputy Collector may declare that the proprietor who may have stated the name of such person under section 51 shall, for the purposes of the partition, be bound by the rent-roll which the Deputy Collector may adopt for the basis of the partition as hereinafter provided, and after such declaration any officer exercising authority under this Act may refuse to entertain any objection which such proprietor may make to such rent-roll.

59. Notwithstanding anything contained in this Act, if it shall appear to the Deputy Collector that any measurements, maps, rent-rolls, or other papers relating to the estate which have been prepared otherwise than for the purposes of the partition, or otherwise than for the purposes of this Act, afford information sufficiently trustworthy to enable him to effect the partition, the Deputy Collector may adopt such information and such papers either wholly or in part for the purposes of the partition, and may dispense with any rent-rolls, maps, or other papers for which he is authorized to call, or

which an applicant is required to produce under this Act.

60. No proprietor or other person, who shall have failed to attend in person or by agent during the measurement as required by the notification issued under section 58, shall be entitled to any subsequent time to make any objection to such measurement, but the Collector may admit any objection made by such proprietor or person if he think fit, provided that any expense entailed by a local inquiry made in consequence of such subsequent objection shall be recovered entirely from such proprietor or person.

61. When the Deputy Collector is finally satisfied that the papers before him, whether rent-rolls, measurement papers, maps, or other papers are sufficient and sufficiently correct to be accepted or adopted for the purposes of the partition, he shall make an order to that effect, and shall fix a day on which to determine the general arrangement of the partition, and shall publish a notification in the manner prescribed in section 130, calling on all the proprietors to be present on the day so fixed, such day being not less than thirty or more than sixty days after the publication of the notification in his office and shall serve a notice to the same effect on each proprietor or his agent.

PART VI

OF PARTITION BY AMICABLE ARRANGEMENT OR BY ARBITRATION

62. On the date fixed under the last preceding section, if a petition to that effect signed by all the recorded proprietors shall have been presented, the Deputy Collector may allow them to make a private partition of the estate amongst themselves on the basis of the papers which have been accepted or adopted for the purposes of the partition by the Deputy Collector, or may refer the partition to be made by an arbitrator or arbitrators on such basis.

If the proprietors who have elected to make such private partition, shall fail to make the same within such time as may be fixed by the Deputy Collector, the Deputy Collector may refer the partition to be made by an arbitrator or arbitrators, or may make the partition himself.

63. Whenever any partition shall have been referred to arbitration, the proceedings shall be conducted in accordance with the provisions of sections 313 to 325 (both inclusive) of Act VIII of 1859 (*an Act for simplifying the procedure of the Court of Civil Judicature not established by Royal Charter*) as far as those provisions are applicable, and except as herein otherwise expressly provided.

64. The arbitrators shall deliver, within a time to be fixed by the Deputy Collector, which time may be further extended by him, a full and complete paper of

partition, in such form as may be prescribed by the Board for partitions made by the Collector or Deputy Collector.

65. The arbitrators, on delivering the paper of partition as aforesaid, shall be entitled to reasonable fees for their services, the amount of which shall be fixed, with the approval of the Commissioner, by the officer making the reference to arbitration, and shall be considered to form part of the cost of making the partition.

66. Every partition made under the provisions of this Part by the parties or by arbitrators appointed by them, shall be subject to the confirmation of the Collector and the orders of the superior revenue authorities; provided that neither the Collector nor any other authority shall disallow any partition so made on any other ground than that of fraud, or that in the opinion of the Collector or such other authority, the partition cannot be confirmed without endangering the safety of the land revenue.

67. Whenever a partition has been made under the provisions of this Part, the land revenue shall be assessed by the Collector on each separate estate into which the parent estate is divided by such partition in the manner prescribed by section 6.

68. If the paper of partition be not delivered within the time fixed by the Deputy Collector or within any further period to which the time may have been extended, the Deputy Collector may withdraw the case from arbitration and may make the partition himself.

PART VII.

OF THE PROCEDURE FROM THE DETERMINATION OF THE GENERAL ARRANGEMENT OF THE PARTITION BY THE DEPUTY COLLECTOR TO THE APPROVAL OF THE PARTITION BY THE COLLECTOR.

69. If no petition shall have been presented under section 62, the Deputy Collector shall, on the date fixed under section 61, or on any other date to which the hearing may have been postponed by a notice posted at the office of the Deputy Collector, consult orally each proprietor present, and endeavour, as far as possible, with the concurrence of the proprietors present, to settle a general arrangement of the partition in accordance with the requirements of this Act.

For this purpose he shall endeavour to obtain from each proprietor an acknowledgment of his acceptance of the rent-roll, map, and any other papers which have been adopted by the Deputy Collector for the purposes of the partition, and shall briefly record the objections of any proprietor who still objects to accept such rent-roll, map, or other papers.

70 If, in consequence of any objections made before the Deputy Collector has settled the general arrangement of the partition as provided in the last preceding section, the Deputy Collector considers it necessary to make further inquiry, he may, by notice to the recorded proprietors, postpone the settlement of the general arrangement of the partition to a date being not less than fifteen days from the service of the notice on any proprietor.

71 If the objections on account of which the said settlement is postponed are such that the person making the same might have made them on an earlier day, the Deputy Collector may award to each proprietor who shall have attended in person or by agent in accordance with the notice, such sum, not exceeding sixteen rupees, as he shall think fit by way of compensation for such attendance.

The sum so awarded shall be paid by the person making the objections as aforesaid, and may be recovered from him in the manner provided by section 136.

72. If the objections have already been enquired into and disposed of, or are such as not to render necessary any further inquiry and postponement, or when any objections, which may require further enquiry, have been disposed of, the Deputy Collector shall record an order to that effect, and after hearing what each proprietor present may urge, shall hold a proceeding determining the general arrangement of the partition and the mode in which the parent estate shall be divided, and, in a general way, the position of the lands which shall be assigned to each of the separate estates.

In determining the general arrangement of the partition, the Deputy Collector shall be guided by the rules which are laid down in Part VIII, and shall direct the partition to be made in the manner which, in his opinion, is on the whole most in accordance with such rules, and most equitable and most convenient to all parties concerned.

73. The general arrangement of the partition as determined under the last preceding section, shall be submitted for the sanction of the Collector, who shall by notice fix a date for the consideration of the same, not being less than fifteen days after the publication of the said notice in his office, and after hearing and disposing of any objection which may be preferred, shall pass such orders as he may think proper, setting aside, amending, or approving the general arrangement made by the Deputy Collector.

74. When the general arrangement has been approved by the Collector, the Deputy Collector shall proceed to fix the exact boundaries of each separate estate, after considering the wishes which the parties may express in respect thereof.

75. When the Deputy Collector shall have so determined the boundaries, he shall cause to be drawn up a paper of parti-

tion specifying in detail the villages and lands which he has included in each of the separate estates, the rental thereof with any other assets of each separate estate, the name or names of the recorded proprietor or proprietors of each separate estate, any stipulations which may have been made regarding places of worship, tanks, or other matters as mentioned in Part VIII, and the amount of land revenue to be assessed on each separate estate.

76. The Deputy Collector shall also prepare a map showing exactly the lauds which fall within each separate estate and the boundaries thereof (unless the preparation of such map shall be dispensed with by special permission of the Collector), and shall submit all the papers of the partition to the Collector with a full report of the proceedings taken, the reasons which influenced the Deputy Collector in selecting the lands included in each separate estate, the nature of the accounts upon which the apportionment of the land revenue assessed thereon has been based, and all other particulars material to the case.

77. The Deputy Collector shall at the same time cause to be prepared a separate extract of the portion of the partition paper which relates to each separate estate, and shall cause to be tendered to any recorded proprietor of a separate estate, or any authorized agent of such proprietor, who may be in attendance at the Deputy Collector's office, the extract which relates to such separate estate; and the Deputy Collector shall publish a notice at his office calling upon every proprietor to whom or to whose agent an extract from the partition paper has not been tendered as above mentioned, to take out of the Deputy Collector's office the extract of the portion of the partition paper relating to his separate estate.

If the circumstances of the partition so require, an extract of the map prepared by the Deputy Collector, or a copy of such map, shall be annexed to every separate extract from the partition paper herein mentioned.

78. On receipt of the papers and report mentioned in section 76 the Collector shall cause a notification to be published in the manner provided in section 130, fixing a date, not being less than six weeks from the date of the publication of such notification on the parent estate, on which he will proceed to take up the case, and to consider any representations and objections which may be preferred in respect of the partition made by the Deputy Collector, and calling on all parties concerned who may wish to do so, to inspect the papers at his office before such date, and to take copies of any such papers as they may require.

The Collector shall also cause a notice to the same effect to be served on each of the recorded proprietors.

79. On the date so fixed, or on any other date to which the hearing may have been postponed, the Collector shall take into consideration the papers as laid before him, and after calling for any further information which

he may deem necessary, and disposing of any objections which shall be taken to the proposed partition and allotment of land revenue, may approve the partition as made by the Deputy Collector with such amendments as he may think proper, or return it for amendment to the Deputy Collector who made it, or to another Deputy Collector, or make a fresh partition himself.

The Collector may return the said papers for amendment or enquiry as often as he may think fit.

80. No proprietor who shall have failed to appear before the Deputy Collector in person or by agent on any date fixed for the arrangement of the partition under the provisions of section 61, or of section 70, and no proprietor who shall fail so to appear before the Collector on any date fixed under section 78 or section 79, shall be entitled, at any subsequent time, to make any objection to the orders which may be passed on such dates respectively.

81. When the Collector approves the partition made by the Deputy Collector with amendments, he may cause a fresh partition paper and map to be prepared, or may cause the amendments made by him to be noted on the paper and map submitted by the Deputy Collector.

When the Collector makes a fresh partition himself, he shall cause a fresh partition paper and map to be prepared.

82. Whenever the Collector shall have approved of a partition as made by the Deputy Collector without amendment, he shall cause a notice to be served on each of the recorded proprietors, that the papers will be submitted at once for confirmation of the partition by the Commissioner, and that any appeals or objections must be presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days of the date of the service of the said notice, or, if the said notice requires the proprietor to produce the extract of any partition in order that amendments may be noted thereon, or to take out a fresh extract from the partition paper as hereinafter provided, then within six weeks of such date.

83. Whenever the Collector shall have approved and adopted the partition paper sent up by the Deputy Collector with amendments, and shall, under section 81, have directed that such amendments be noted on the partition paper and map submitted by the Deputy Collector, the notice to be served on each of the recorded proprietors under the last preceding section shall, in the case of every such proprietor whose separate estate is affected by such amendments, in addition to the particulars mentioned in the said section, require such proprietor to produce before the Collector, within fifteen days of the service of such notice, the extract from the paper of partition and any map relating to his separate estate which is mentioned in section 77, in order that the amendments made by the Collector in the partition may be noted thereon, and such amendments shall be noted thereon by the Collector accordingly, and the extract and

map shall be returned to the proprietor who produced it.

Whenever the Collector shall have ordered, under section 81, that a new partition paper and map be prepared, he shall cause separate extracts of the portions of the partition paper which relate to each separate estate, and maps, if necessary, to be prepared as required by section 77, and in such case the notice served under section 82 shall, in addition to the particulars mentioned in that section, require the recorded proprietors to take out of the Collector's office such extracts and maps relating to their respective separate estates.

84. As soon as practicable after the issue of the notice under section 82, the Collector shall forward to the Commissioner all papers relating to the partition as approved or as made by the Collector.

PART VIII.

OF THE GENERAL PRINCIPLES ON WHICH PARTITIONS SHALL BE MADE.

Rules applicable to the partition of lands which are held by the proprietors in common tenancy.

85. Each separate estate shall be made as compact as is compatible with the primary object of making an equitable partition among the proprietors, and with the other provisions of this Part, but no partition made or approved by a Collector shall be set aside on the ground only that the separate estates are not compact.

86. In selecting the villages or lands to be assigned to each separate estate formed out of a parent estate which has been held in common tenancy, the Collector shall take into consideration the advantages or disadvantages arising from situation; the vicinity of roads, railways, navigable rivers, or canals; the nature and quality of the soil and produce; the quantity of cultivable and uncultivable waste land; the facilities for irrigation; the state of the embankments and water-courses; liability to accretion and diluvion, and any other circumstances affecting the value of the lands.

87. If a dwelling-house belonging to one proprietor is situated on any land which it may be necessary to include in the separate estate of another proprietor, the owner of such house may retain occupation thereof with the offices, buildings, and grounds immediately attached thereto, upon agreeing to pay rent for the land occupied by such dwelling-house, offices, buildings, and grounds to the proprietor of the separate estate in which such land is included. The limits of the land so occupied and the rent to be paid for it in perpetuity shall be fixed by the Deputy Collector, and shall be stated in the paper of partition.

In every such case a defined pathway shall, as far as possible, be secured to the owner of the house, leading from his house to some portion of the separate estate allotted to him.

88. Whenever the Deputy Collector shall think fit, he may apply the rule contained in the last preceding section to gardens, to orchards of trees, to land planted with bamboos, and to nijjote, sir, or khamar lands, which before the partition were held in the separate occupation of any proprietor, and to any other lands which in his opinion have gained a special value, or are of special value to the proprietor in whose occupation they are found to be, in consequence of improvements made by such proprietor or of the particular use to which such lands are put.

89. In calculating the rental for the purposes of the partition, the rent fixed in perpetuity on any land by the Deputy Collector under either of the two last preceding sections shall be considered to be the rental of such land.

90. Whenever the dwelling-house of one proprietor, with the offices, buildings, and grounds immediately attached thereto, shall have been included in the separate estate of another proprietor, and the annual rent to be paid in perpetuity in respect of the land occupied thereby shall have been fixed by the Deputy Collector and stated in the paper of partition, as provided in section 87, the proprietor whose dwelling-house, offices, buildings, and grounds have been included as aforesaid may apply to the Deputy Collector for permission to redeem the annual rent so fixed.

91. The Deputy Collector shall certify the amount payable by such proprietor in redemption of such annual rent; and such amount shall be calculated and fixed by the Deputy Collector at ten per centum above the sum which would be required to purchase, at the market prices then prevailing, so much stock of the Government loan which was last issued as would yield an annual amount of interest equal to the annual land rent fixed by the Deputy Collector under section 87.

92. The proprietor desiring to redeem the rent as aforesaid, may pay to the Deputy Collector the amount so certified at any time before possession is given to the several proprietors of the separate estates allotted to each, as provided in section 118, but not after such possession has been given.

93. On receipt of such payment, the Deputy Collector shall give notice to the proprietor in whose separate estate such land is situated that such payment has been made, and that the sum paid will be paid to him or to his authorized agent on application; and that from the date on which possession as aforesaid may be given, the proprietor who has redeemed the rent of such land will be entitled to hold such land as a rent-free tenure secured against the proprietor of the estate and against any auction purchaser at a sale for arrears of revenue, including the

Government; and from such date the lands shall be so held as a rent-free tenure.

94. The Deputy Collector shall at the same time also give notice to the Collector of the district of the creation of such tenure; and the Collector of the district shall thereupon cause such tenure to be specially registered in the manner provided by section 42 of Act XI of 1859, or by any similar law for the time being in force.

Rules applicable to the formation into separate estates of lands which are held by proprietors in severalty.

95. Whenever in any parent estate a division of the lands thereof has been made by private arrangement of the proprietors of such estate, and in accordance with such arrangement each proprietor is in possession of separate lands held in severalty as representing his interest in such parent estate, the joint application presented to the Collector by all the recorded proprietors of such estate as required by section 12 may be to the effect that a partition of such estate be made by assigning to each proprietor or to two or more proprietors jointly as his or their separate estate, the lands of which he or they are in separate possession in accordance with such arrangement, and also that each separate estate so formed be made liable for such portion of the entire land revenue of the parent estate, as was paid by the proprietor or proprietors thereof under the private arrangement aforesaid.

96. The Deputy Collector who is appointed to carry out the partition in accordance with such application, shall satisfy himself that the assets of each separate estate which it is proposed to form are sufficient to secure the payment of the annual amount of land revenue for which it is proposed to make such separate estate liable, and if the Deputy Collector be satisfied that in this respect, and with reference to all the circumstances of the case, the partition of the lands and the assessment of the revenue thereon may be made in the manner proposed without endangering the safety of the revenue, the Deputy Collector shall submit the case with his opinion thereon, and the reasons on which such opinion is founded, to the Collector, who may admit or reject the said application.

97. If the Collector admits the said application, such admission shall be deemed to be the Collector's approval of the general arrangement of the partition as provided in section 74, and the Deputy Collector shall proceed to complete the partition accordingly.

98. If the Deputy Collector, who is appointed to carry out the partition in accordance with a joint application as mentioned in section 95, is not satisfied that the partition of the lands and the assessment of the revenue payable thereon can be made in the manner proposed without endangering the safety of the public revenue, or if the Collector, on an application for such partition, the Deputy Collector shall refuse to make same.

99. Whenever the proprietors of an estate

Joint petition may be presented for partition of land in accordance with private division with proportional redistribution of public revenue

are, in accordance with a private arrangement as aforesaid, respectively in possession of separate lands held in severalty as representing their respective interests in the estate, the joint application presented to the Collector by all the recorded proprietors of the estate as required by section 12, may be to the effect that a partition of such estate be made by assigning to each proprietor, or to two or more proprietors jointly, as his or their separate estate, the lands of which he or they is or are in possession in accordance with such arrangement, and that the land revenue for which the parent estate is liable may be apportioned among the separate estates so formed, in accordance with the provisions of section 6.

A joint application under this section may be made notwithstanding that a joint application under section 95 has been refused in respect of the same estate.

100. Whenever the Deputy Collector who is

Lands of which each proprietor is in possession to be allotted to him

appointed to carry out the partition, shall find that in accordance with a private arrangement made by the proprietors of an estate, the proprietors respectively, or any of the proprietors, are in possession of separate lands held in severalty as representing portions only of their respective interests in the parent estate, while other lands of the parent estate are held in common tenancy between such proprietors, the Deputy Collector shall allot to the separate estate of each proprietor the lands of which such proprietor is found to be in possession in severalty, in accordance with such private arrangement.

101. Notwithstanding anything contained in

Collector may cause transfer of lands agreed to by parties the last preceding section, the Collector may cause any transfer of lands agreed to by the parties to be made from the possession of one proprietor to that of another.

Rules applicable both to lands held in common tenancy and to lands held in severalty

102. Places of worship, burning grounds, and

Rule as to places of worship.

burial grounds, which have been held in common previous to the partition of an estate, and lands of which the proceeds have been assigned by the proprietors jointly for religious, charitable, or public purposes, shall continue to be held in common, unless the proprietors shall otherwise agree amongst themselves, in which case they shall state in writing the agreement into which they have entered, and the Deputy Collector shall enter a note of the agreement in the paper of partition.

103. Tanks, wells, water-courses, and embank-

Rule as to tanks, wells, water-courses, and embankments.

ments shall be considered as attached to the land for the benefit of which they were originally made. In cases in which, from the extent, situation, or construction of such works, it shall be found necessary that they should remain the joint property of the proprietors of two or more of the separate estates, the paper of partition shall specify, as far as the circumstances may admit, the

extent to which the proprietors of each of such estates may make use of the same, and the proportion of the charges for repairs to be borne by them respectively.

104. Whenever the Deputy Collector shall

Lands held rent-free and to be divided

find in the parent estate lands which are actually held rent-free (whether the proprietors of the estate do or do not claim a right to receive rent from such lands), the Deputy Collector shall make no division or assignment of such lands among the separate estates, but shall specify in the partition papers and proceedings that such lands are left appertaining jointly to all the separate estates which are formed out of the parent estate, in the proportion which each separate estate bears to the parent estate.

105. Whenever the Deputy Collector shall

Rule as to permanent interest in land

find in the parent estate any lands which are held at a fixed rent on a patti or other permanent intermediate tenure created by all the proprietors of the parent estate or their predecessors, the Deputy Collector may either

(1) assign the lands which are held on such tenure and the assets thereof entirely to one or more of the separate estates, the rental being calculated as provided in Exception 2 or in Exception 3 as the case may be of section 7; or

(2) leave such lands unassigned to any separate estate, and specify in the partition papers and proceedings that the lands are left appertaining jointly to all the separate estates which are formed out of the parent estate in the proportion which each separate estate bears to the parent estate. In the event of such lands being so left undivided, the Deputy Collector shall assign to each separate estate such share of the rental of the tenure as shall bear the same proportion to the entire rental of the tenure, as the separate estate bears to the parent estate.

In dealing with a tenure under this section, the Deputy Collector shall take into consideration the extent of the lands comprised in the tenure, and all other circumstances of the case.

106. Whenever any lands are held in common

Lands held in common between two or more estates

between the proprietors of two or more estates, one of which is under partition in accordance with the provisions of this Act, the Deputy Collector shall first allot to the estate under partition a portion of such common lands of which the assets are in proportion to the interest which the proprietors of such estate hold in the said common lands, and all the provisions of this Act in respect of the allotment between the shareholders in one estate, of lands which are held jointly by such shareholders, shall, as far as possible, apply to the allotment of the proportionate share of such common lands to the estate under partition.

and, in respect of the service of notices, hearing of objections, and all other procedure in view to such allotment, the proprietors of the estate under partition, and the proprietors of all other estates who have an interest in the said common lands, shall be deemed to be joint proprietors of a parent estate consisting only of the lands so held in common.

Provided that all expenses of any division of lands so held in common between the

proprietors of two or more estates shall be deemed to be expenses of making the partition of the estate which is under partition, and shall be leviable as provided by this Act from the proprietors of such estate, and that the proprietors of any other estate having an interest in such lands shall not be required to bear any portion of such expenses.

107. Notwithstanding anything contained in the last preceding section, if it shall appear to the Commissioner, on the report of the Collector or otherwise, that the proceedings for such division have been unnecessarily delayed, and the cost of such division enhanced by obstacles vexatiously put in the way of the completion of such division by any proprietor of any estate other than that under partition, or by want of due diligence on the part of any such proprietor in carrying out any requisitions made upon him, the Commissioner may direct that such sum as he shall think fit shall be levied from every such proprietor who is responsible for such delay or additional cost, and every sum so levied shall be taken in diminution of the amount payable by the proprietors of the estate under partition as costs of such partition.

108. The allotment of the proportionate share of the lands so held in common to the estate under partition shall be submitted for the approval of the Collector, who may confirm, amend, or reject the same, and in the case of rejection, may make or direct to be made another allotment.

109. As soon as the allotment of a proportionate share of the said lands to the estate under partition shall have been approved by the Collector, the lands so allotted shall be dealt with in every respect as if they were held in common tenancy by some of the proprietors of the estate under partition as were found to hold interests in the common lands.

110. If a dispute or doubt shall be found to exist as to whether any lands form part of the parent estate, the Deputy Collector shall enquire into the fact of possession, and shall report his conclusions, with the reasons thereof, to the Collector, whereupon the Collector may order that the partition be struck off the file (in which case no application for a partition of the said estate shall be admitted until the applicant can show that the dispute or doubt has been decided by a court of competent jurisdiction, or has been amicably settled),

or if the Collector shall find that possession of the disputed lands is with the proprietors of the parent estate, and if it shall appear to him that the claim of the other parties to the right in such lands is untenable, he may order that the partition shall proceed, and that the disputed lands be treated as part of the estate under partition.

Provided that no partition shall be made under this section, if such partition would involve the assignment to any separate estate of such a quantity of the disputed land that the removal of such land from such estate would, in the opinion

of the Collector, endanger the safety of the land revenue for which any separate estate would liable be after the partition.

111. If, after a partition has been completed in accordance with an order passed by the Collector under clause three of section 110, the proprietor of any separate estate shall be dispossessed by a decree of a court of competent jurisdiction of any lands which may have been assigned to his estate by the partition, such proprietor shall not be entitled to claim any modification of the partition (which shall hold good), but shall be entitled to recover from the proprietors of the other separate estates formed by the partition such compensation as may be fair and equitable having regard to the reduction in the proportionate value of his separate estate which is caused by such dispossession.

And such compensation may be recovered in a court of competent jurisdiction from the proprietors of those separate estates on which a proportionate share of the total loss caused by the order of dispossession does not fall.

112. When two or more of the separate estates shall consist of the same proportions of the parent estate, the Deputy Collector may, if he think proper, direct the parties entitled thereto to draw lots in his presence for the equal separate estates which have been formed by assignment of lands, unless the recorded proprietors of the equal shares shall agree among themselves as to the allotment of the equal separate estates, and shall present a petition to that effect, or, unless for any other reason the Deputy Collector shall, with the sanction of the Collector think proper to assign the equal separate estates to the proprietors of the equal shares without causing lots to be drawn.

113. When the aggregate of two or more shares equals one other share or equals the aggregate of two or more other shares, the Deputy Collector, with the sanction of the Collector, may cause such aggregate shares to be treated as one share for the purpose of determining by lots as aforesaid how the several separate estates shall be allotted among the several proprietors, and may cause lots to be drawn as often as he shall think proper, in respect of the allotment of such aggregate shares, and for such purpose may decide which separate estates shall be formed into one aggregate share, and after the lots shall have been drawn in respect of such aggregate shares, may order that lots shall again be drawn for the allotment of any equal separate estates between the proprietors of such estates.

Provided that lots shall in no case be drawn until after all objections which any proprietor may make as to the papers accepted as the basis of the partition, and as to the assets of the lands which it is proposed to allot to the separate estates, respectively, shall have been disposed of.

Illustrations.

1.—The partition of a parent estate is being made into the following shares:—

8 annas.
4 annas.
3 annas.
1 anna.